A
000 018 390
5
UC SOUTHERN REGIONAL LIBRARY FACILITY

rnia
l

D. 32

M86
Tah
3.50

Tho. A Lestrange

A TREATISE OF THE REVENUE AND FALSE MONEY OF THE ROMANS.

To which is annexed,

A DISSERTATION upon the Manner of distinguishing Antique MEDALS from counterfeit ones.

Translated from the ORIGINAL printed at *Paris* 1740.

LONDON:

Printed for J. and P. KNAPTON, at the Crown in Ludgate-street. MDCCXLI.

TABLE

Of the CHAPTERS and MATTERS contained in this Volume.

CHAP. I.

OF *the Demeſne of the Romans,* Page 1
1. *The Funds of the Demeſne,* ibid.
2. *Conquered Countries,* 2
3. *Confiſcated Eſtates and Effects,* 3
4. *Eſtates reunited to the Demeſne,* 4
5. *Extent of the Demeſne of the Romans,* 6
6. *Foreſts, Rivers, Wrecks,* &c. 6, 9
7. *Farms of the Demeſne,* 10, &c.
8. *Alienations and Preſcriptions,* 18, 19

CHAP. II.

Of the real Taille or Talliage incident to Lands, 25

CHAP. III.

Of various other real Charges which the Romans laid upon Lands, 37

CHAP. IV.

Of the Perſonal Taille or Poll-tax, 47

2003134

CHAP. V.

Of Confiſcations and Fines, 59

CHAP. VI.

Of the Crimes which were puniſhable with a Confiſcation of Eſtates, 54

CHAP. VII.

Of Eſcheats, or the Revenue ariſing from the Succeſſions, and teſtamentary Legacies, 68

CHAP. VIII.

Of Eſtates that were vacant, and had no certain Proprietor, 74

CHAP. IX.

Of Impoſts laid upon Merchandiſe and Proviſions, 78

CHAP. X.

Of ſeveral other Duties or Impoſts, 90

CHAP. XI.

Of the Money which the Romans drew from their Enemies and from War, 92

CHAP. XII.

Of the Money which the Romans drew from their Allies, 96

CHAP. XIII.

Of the Preſents or Free Gifts which were voluntarily made to the Emperor, 100

CHAP. XIV.

Of ſeveral extraordinary Impoſts, 103

CHAP. XV.

Of the Revenue ariſing from Salt, Mines, Treaſures found, Rivers, the Sea, &c. 113

CHAP. XVI.

Of Loans and borrowed Money, 117

CHAP. XVII.

Of the great Exactions of the Romans, 119

CHAP. XVIII.

Of the Releaſes and Abatements of Taxes made to the Roman People, 129

CHAP. XIX.

Of the moſt conſiderable Differences between the Revenues of the Romans, and thoſe of France, 135

CHAP. XX.

Of the Superintendants of the Revenue among the Romans, 144

CHAP. XXI.

Of the Officers employed under the Superintendant of the Revenue, 150

CHAP.

CHAP. XXII.

Of the Offices that depended on the Superintendant of the Revenue, 157

CHAP. XXIII.

Of the Superintendant of the Demeſne, 162

CHAP. XXIV.

Of the Officers that depended on the Superintendant of the Demeſne, 164

CHAP. XXV.

Of the Officers called Palatini, *depending on the Superintendant of the Demeſne,* 166

CHAP. XXVI.

Of divers ſubaltern Officers employed likewiſe in the Revenue, 167

END of the Table of the Treatiſe of the Revenue of the Romans.

TABLE

Of the Treatiſe of the FALSE MONEY of the *Romans*, &c.

PART I. 174

PART II. 178

Of the Diſſertation on the Manner of diſtinguiſhing Antique MEDALS, *&c.*

ARTICLE I.

OF Medals of modern Coin, moſt of which are known by the name of the Paduan, Page 191

ARTICLE II.

Of Medals caſt upon ſuch as are of modern coining, 195

ARTICLE III.

Medals caſt upon Antiques, 198

ARTICLE IV.

Antique Medals refitted, the Heads and Figures whereof are changed, 201

ARTI-

ARTICLE V.

Of Medals ſtruck with the Hammer, and ſuch as are encaſted or joined together, 206

ARTICLE VI.

Of Medals that have Cracks and Countermarks, 210

ARTICLE VII.

Of Medals that are plated, and of ſuch as are miſcoined, 212

ARTICLE VIII.

Of caſt Medals that are Antique, and of Medallions compoſed of different Coppers, 216

ARTICLE IX.

Of Medals that are merely invented, and of ſuch as have been very ſeldom counterfeited, 219

ARTICLE X. 224

HISTO-

HISTORICAL PREFACE,

OR

INTRODUCTION to the *Treatiſe of the Revenue of the* ROMANS.

M. COLBERT, whoſe views extended to every thing that might contribute to augment the riches of the State, and eſtabliſh a wiſe adminiſtration of the Revenue, engaged a perſon very capable of the work to draw him up a Memoir upon the Revenue of the Romans. It is the very Memoir which is now publiſhed. The author hath with equal accuracy and clearneſs given us in it an idea, as well of the Revenues of that renowned nation, as of the manner of receiving them, and the different perſons employed in that collection. This piece, though ſuſceptible indeed of larger details, ſeems ſtill to me to take in every thing that can be deemed eſſential upon the ſubject. It hath likewiſe the advantage of offering nothing but what is drawn out of the authentic monuments of Antiquity, the on-

ly ones that are capable of giving us juſt notions in this point. The author, whoſe name is ſtill a ſecret, hath obſerved (but might have been more particular in his obſervations) how exceedingly the Roman revenues increaſed by their ſucceſsful military expeditions. Rome, almoſt from the very moment of its origin, derived from war various ſources of riches, which ſhe never ſuffered to dry up in all the height of her power. I ſhall enter into ſome particulars upon this ſubject, but without confining myſelf ſtrictly to a chronological exactneſs.

I readily agree, that it was the poverty of the firſt inhabitants of Rome which gave riſe to this politic œconomy, whereof I am going to ſpeak: but it was found ſo very advantageous, that the practice was continued in the moſt flouriſhing ages of the Republic. Among the towns of Italy that were jealous of the conqueſts of Romulus and of the aggrandizing of the Romans, Veii, the capital of Etruria, ſignalized herſelf above other rivals. She did not fail declaring in favour of her neighbours that were attacked by this new people. Romulus having vanquiſhed them in battle, granted them a truce for an hundred years, upon condition that they gave up a part of their territory which lay adjoining to the Tyber, and was called *Septem*

tem Pagi, or the *Seven Burroughs*, and ſurrendered likewiſe the ſalt-works which they had at the mouth of this river. I ſhall here take notice, that of all the conditions impoſed upon conquered people by the Romans, I ſhall touch only upon ſuch as ſome way or other relate to the ſubject treated of in this work.

Tullus Hoſtilius trod in the ſteps of Romulus. When he had overcome the Sabines, he obliged them, by way of ſatisfaction for the large and ſmall cattle which they had taken, and the booty which they had carried off from the peaſants that cultivated the lands of Rome, to pay ſuch a fine as ſhould be fixed by the Roman Senate. Ancus Martius, when he raiſed the ſiege of Velitræ, inſiſted that the Volſci ſhould repair all the damages they had done: and made the valuation thereof himſelf. Tarquinius Priſcus, following the example of theſe his predeceſſors, not only obliged the inhabitants of Collatia, a town in the country of the Sabines, to acknowledge him for their Sovereign, but impoſed on them likewiſe a fine to be paid in money. He cauſed reſtitution to be made to the peaſants of all the money which the Latins had extorted from them, and condemned them to make ſatisfaction for all the damages they had done in their incurſions into the Roman

territories. The Veians, ever ready to raiſe all the people of Etruria in arms againſt them, were forced in like manner to yield to the valour of Servius Tullius, who ſtripped them of part of their lands, which he diſtributed among the citizens of Rome. Under this King there was an alteration made in the money, which muſt not be omitted in the Preface to a Treatiſe upon the Revenue of the Romans.

The firſt money that they made uſe of was made of brick and leather. This laſt kind of money was called *Aſſes ſcortei*; it was uſed at Rome before the reign of Numa, and according to an ancient writer, there was a ſmall mark of gold upon theſe leather pieces. Numa next introduced the uſe of braſs pieces, which were taken by weight in exchange for merchandiſe and proviſions. This laſted till the reign of Servius Tullius, who was the firſt that cauſed braſs money to be coined at Rome. This Prince cauſed the figure of an ox or ram to be ſtamped upon the coin. Theſe animals having ſerved for victims at the Luſtral Sacrifice, this was imagined to be the reaſon why he took it into his head to embelliſh the coin with theſe figures. I ſhall here obſerve further, that there was no other money in the city till the year 485 from the foundation of Rome, at which time the firſt pieces of ſilver money were

were coined. Sixty-two years afterwards, they began to ſtrike pieces of gold coin. In theſe firſt pieces of braſs money they engraved as many points, as they were worth ounces.

Tarquin the Proud, aiming at a tyrannical and deſpotic ſway, employed the great ſums of money which he found in *Sueſſa-Pometia*, to finiſh the Temple of Jupiter Capitolinus, and to recompenſe the ſoldiers whom he had allowed to pillage the town. We ſhall ſee in the courſe of this hiſtorical relation, how theſe examples animated the Roman Generals to enrich the Republic.

In the time of the Commonwealth, Valerius Publicola finding the Conſuls overburdened with the management of the Revenue, engaged the people to chuſe two men of integrity, who were called *Quæſtors*, and entruſted with the care of the public Treaſure. He cauſed this Treaſure to be removed to the Temple of Saturn, conceiving it a place where it would be kept with the greateſt ſecurity. It was afterwards divided into two parts; one being deſigned for the daily occaſions of the State, was compoſed of the ordinary tributes and impoſts; the other was formed of the gold ariſing from the impoſt of the twentieth penny which was levied upon the ſale of ſlaves. This was the reaſon

 why

why they called it *Aurum viceſimarium.* This laſt treaſure was never touched but in the moſt preſſing exigencies and neceſſities of the State. When Annibal had ravaged Italy for ten years together, the Republic, over-whelmed with diſaſters and calamities, implored in vain the ſuccour of twelve of the thirty Latin Colonies: it was only in this terrible extremity, that ſhe came to the reſolution of making uſe of the gold raiſed out of the ſale of ſlaves. They took out of this treaſure four thouſand pounds, which amount to near two millions. Julius Cæſar having invaded the Roman liberty, plundered this ſacred treaſury. Florus, who is as much a Poet as an Hiſtorian, flouriſhes upon this fact. " Pompey (ſays he*) was ſcarce drove " out of Italy, when the Senate fled from " Rome, and Cæſar entering the city, and " finding it in a manner empty, through " the fear and terror which had ſeized al- " moſt all the world, made himſelf Con- " ſul; and when the Tribunes did not " readily open the Treaſury, he ordered " the door to be broke open, without any " regard to its being an holy and invio- " lable place; ſo that he robbed the pa- " trimony of the Roman people, before " he had ſtripped them of their Empire." Some ages after, Freculphus, Biſhop of

* *L.* 4. *c.* 2.

Lizieux,

Lizieux, without quoting his authorities, informed us, that he took out of the Treaſury four thouſand one hundred thirty-ſix pounds of gold, and nine hundred thouſand pounds of ſilver, which make above forty millions.

This treaſure was greatly augmented by the Generals of the army. Inſtead of contriving how to enrich themſelves, all their care was employed in bringing very conſiderable ſums into it, and to order it ſo, that the vanquiſhed enemy ſhould pay the charges of the war. Animated by a love for the public good, and piquing themſelves upon an heroic diſintereſtedneſs, they did not underſtand the art of appropriating to themſelves the riches of conquered nations. Mars and Pluto were not then ſo cloſely allied as at preſent. Thus the Conſul P. Poſthumius, after he had indulged the ſoldiery the liberty of plundering, cauſed all that remained of the ſpoils of the Sabines to be ſold, in order to make Rome ſatisfaction for the charges of the war. That turbulent nation had ſoon after another trial of the valour of the Roman troops; and thereupon ſent Deputies to the Conſul Sp. Caſſius Uſcellinus to offer him their friendſhip. The Conſul referred them to the Senate, who ſeeing Rome on the point of being attacked by other enemies, inflicted only a ſlight puniſhment

niſhment on the Sabines. Caſſius exacted from them as much wheat as he thought proper for the ſubſiſtence of his troops: and all the nation was obliged to pay a certain ſum of money.

The Roman Generals found ſo much benefit from theſe reſources, that they took care to make their advantage of them, whenever the enemy, to prevent the irruption of the Roman legions, implored their clemency. The Conſul P. Servilius could not help being moved and ſoftened by the Deputies of the Volſci, who had thrown themſelves at his feet, to hinder their country from being ravaged: but he knew how to reconcile his compaſſion with the intereſt of the Republic, exacting from the enemy ſubſiſtence for his army, cloathing for his ſoldiers, and three hundred hoſtages of their moſt diſtinguiſhed gentry. A modern Hiſtorian * reproacheth Servilius with an exceſs of weakneſs on this occaſion, but in my opinion without any juſt reaſon. For could it become a brave Roman to treat with cruelty a people that ſubmitted themſelves, and were ready to receive the law of the conqueror? I cannot bring myſelf to think there would have been any courage of mind, or any thing heroical, in an inflexible reſentment.

* P. Catrou.

Servilius

Servilius was perhaps to blame on another occaſion, though his natural generoſity and his love for the public good ſeem to have been the motives that influenced his conduct. It was when he allowed his ſoldiers to pillage the camp of the Volſci, where there was abundance of ſilver, goods, cloaths, cattle and ſlaves, without reſerving any ſhare thereof for the public treaſure. His deſign was to encourage his ſoldiers to make new conqueſts, to enrich them, and enable them to pay their debts, which had lately tempted them to break out into ſeditions at Rome. He acted in the ſame manner at the taking of Sueſſa-Pometia. It hath been obſerved before, that Tarquin the Proud affected the ſame generoſity. Accordingly when Servilius was for having the honours of a triumph, the Conſul Appius Claudius, his Collegue, oppoſed it vigorouſly, on account of the largeſſes given to the ſoldiers, accuſing him of having infringed the law which prohibited Generals of the army from diſpoſing as they pleaſed of the booty taken from the enemy. The ſame law enjoined them likewiſe to bring into the Treaſury all that was raiſed of the enemies ſpoils. It looks however, as if the Republic did allow a General the liberty of rewarding his ſoldiers, provided he did not procure to himſelf any advantage from the conqueſts made

made in the name of the State, and gave an account of his conduct and adminiſtration.

Though this law gave occaſion to ſeveral diſputes, it muſt however be owned, that it did not grant the General an arbitrary power with regard to the diſtribution of the booty, and that it tacitly forbad him to give the whole to the ſoldiery. A part of it was always to be brought to the public Treaſury. Thus at the taking of Corioli, the Conſul Cominius, after he had put a golden crown upon the head of Coriolanus, aſſigned him only a tenth part of the booty, gave him an horſe richly harneſſed, and allowed him to take as much of the ſilver as he could carry off, and to make choice of ten priſoners. Coriolanus contented himſelf with taking the ten priſoners and the horſe. Perhaps alſo when the General was known to be a citizen entirely devoted to the public good, no cavil was ſtarted againſt him with regard to the execution of this law. Thus the Dictator Quintus Cincinnatus gave the infantry under his command the rich booty that was found in the camp of the Æqui, without being blamed or called in queſtion on that account.

It was to the Senate (as appears by the conduct of Sp. Caſſius Uſcellinus towards the Sabines) that the General referred the

Depu-

Deputies of towns which ſued for peace. The Senate ſometimes left it to the General to appoint the articles and conditions of the treaty. Thus the Veians having ſent Deputies to the Conſul L. Æmilius, he referred them to the Senate, who wrote to Lucius to treat thoſe rebels as he thought proper. He granted them peace; but required them to pay all the charges of the war, and to furniſh as much corn as was ſufficient to ſubſiſt his ſoldiers for two months. Some years after, this ſame nation having made another revolt, the Conſul Aulus Manlius, to whom they ſent their Deputies, referred them to the Senate, but by way of proviſion ordered the Veians to pay the charges of the war for one year, and to ſupply his troops with as much corn as they could conſume in two months; allowing them however to convert the ſtipulated quantity into money. The Senate granted the Veians a truce of forty years.

It ſeems however that the General was inveſted with an ordinary power of concluding truces. For we ſee that the Conſul Q. Fabius concluded a truce with the Æqui, which he made them purchaſe at a dear rate; for he obliged them to furniſh his army with corn for two months, and every ſoldier with two coats, ſix months pay, and every thing elſe they might have

have occaſion for in other reſpects. With regard to the peace which they aſked, he ſent the Deputies to the Senate, who empowered the General to preſcribe them what conditions he pleaſed. Fabius condemned them to furniſh at their own expence as many auxiliary forces as Rome ſhould demand of them in any preſſing neceſſity. Lucius Cornelius acted in the ſame manner with regard to the Æqui.

The taking of Antium by the Conſul L. Cornelius Maluginenſis repreſents to us in a clear light the uſual manner obſerved with regard to the enemies booty. He divided that of the Antiates between the public Treaſury and the Roman ſoldiers. The gold, ſilver, and braſs were carried to the Quæſtors, and the ſlaves were ſold for the profit of the Republic. The Conſul left the ſoldiers only the goods, proviſions, and other utenſils of that rebellious people. However, as hath been already obſerved, the General ſometimes took a liberty of diſpenſing with this rule of carrying part of the enemies booty to the public Treaſury; ſome examples thereof have been already cited. Thus we ſee the Dictator Mamercus giving up the town and camp of the Fidenates to the pillage of the ſoldiers. I ſhall obſerve farther, that when Hiſtorians ſay ſimply, that the ſlaves or part of the booty were ſold, their meaning

ing is, that the price thereof was carried to the public Treaſury. Sometimes alſo the whole was carried thither, without any thing at all being given to the ſoldiery. Such was the conduct of P. Poſthumius a military Tribune, who upon the taking of Bola, cauſed all the booty to be delivered to the Quæſtors that followed the army. After his example, the Conſul C. Valerius having recovered the fortreſs of Carvenſe, in which there was a conſiderable booty, cauſed every thing that was there found to be ſold by auction, and gave the money ariſing from the ſale to the Quæſtors for the public Treaſury. It looks as if the practice of carrying thither a part of what was taken from the enemy, had always been the general and prevailing cuſtom, ſince a modern Hiſtorian *, after having related that the ſpoils of Anxur, a wealthy town, were abandoned to the troops by the Military Tribunes, adds, that this liberality of the Generals had been diſuſed for a good while before. They were afterwards very careful in reſerving part of the booty for the public Treaſury.

It will not be improper here to remark, that hitherto, that is, for three centuries together, the ſoldiers had ſerved the State at their own charge and expence. Every one was obliged to draw out of his own

* P. Catrou.

little

little eſtate and ſubſtance the means of his ſubſiſtence, as well in the field, as in the winter-quarters: and often when the campaign was drawn out into too great a length, the lands, thoſe eſpecially of the poor Plebeians, were left untilled. Hence aroſe borrowing of money, uſuries with intereſt upon intereſt, and in fine, the complaints and ſeditions of the people. The Senate, to prevent theſe diſorders and inconveniences, paſſed an act that for the future all the ſoldiers that ſerved in the infantry ſhould be paid out of the public money; and to provide a fund for this expence, a new impoſt ſhould be laid, from which no citizen whatever ſhould be exempt. I only copy from M. Rollin *, who obſerves after Polybius, that this pay was two *oboli*, i. e. a little more than three ſols of French money. It was during the ſiege of Veii, in the 352d year of Rome, that they began likewiſe to give a certain pay to the cavalry, as they had done before to the infantry. That of the horſe was treble the others, being ſix *oboli*, or ten ſols French. Proviſions were at that time very cheap, as M. Rollin obſerves after Polybius: a buſhel of wheat was not uſually worth in Italy more than four *oboli*, and the buſhel of barley but half as much. A buſhel of wheat ſerved a ſoldier for

* Hiſt. Rom. Tom. II. p. 330, 355.

eight

eight days. This was the firſt time that the Roman *equites* or cavalry furniſhed themſelves with horſes, the State having always before ſupplied them therewith.

Camillus, who had been created Dictator on occaſion of the war with the Faliſci and Capenates, gave diſtinguiſhing proofs of his zeal for augmenting the revenue and riches of the State; for having made a conſiderable booty, he reſerved the greateſt part of it for the public treaſury, and granted the reſt to the ſoldiers. And the next day after the taking of Veii, he cauſed all the priſoners to be ſold by auction, and the money ariſing from this ſale was laid by for the public treaſury. This was all that was excepted out of the plunder of ſo opulent a city. During that ſiege the Romans had been much haraſſed and infeſted by the Faliſci: Camillus, then one of the *Tribuni Militum*, was ſent againſt them, and having routed them in a pitched battle, made himſelf maſter of their camp, all the booty whereof he ſold for the profit of the public treaſury. His ſoldiers were exceedingly incenſed on this occaſion; but being obliged to ſubmit under a ſevere diſcipline, they could not help hating, at the ſame time that they admired, the virtue and public ſpirit of their General. The Faliſci ſtruck with an heroical act of generoſity in Camillus, ſurrendered

rendered to the Romans, and had then as much reaſon to admire his moderation; for the Deputies whom they had employed to make peace, having been referred by the Senate to the Tribune, he only laid upon them a certain ſum of money ſufficient to pay the troops for that year, and eaſe the Roman people of that charge. L. Lucretius and C. Æmilius, when they were *Tribuni Militum*, granted ſome little time afterwards a truce for twenty years to the Volſinians, upon condition that they reſtored to the Romans all that they had taken from them, and reimburſed them a year's pay for their troops.

In the war againſt the Volſci, Camillus was more liberal to his ſoldiers; he abandoned to them all the booty which they found in the enemies camp, a largeſs ſo much the more agreeable to them, as they did not expect it from a General who had never till then ſhewed himſelf liberal with regard to the ſoldiers. He was not leſs ſucceſsful in the war againſt the Etrurians. The number of priſoners which ſerved for an ornament to his triumph was ſo great, that the price which aroſe from their ſale was ſufficient to reimburſe the ladies the gold of their jewels which they had lent the Republic. After the example of Camillus, A. Cornelius Coſſus left his ſoldiers all the booty which they found

found in the camp of the Volſci; but the priſoners were ſold for the benefit of the public Treaſury. The Generals nevertheleſs on ſome occaſions aſſumed the authority of abandoning all the booty to the ſoldiers. The Conſul C. Marcius Rutilus having fallen with an army into the territory of Privernum, reſerved nothing of the booty for the public Treaſury, and allowed the ſoldier to take all: but in this he deviated from the common practice, which obliged the General to bring into the public Treaſury at leaſt the greater part of the ſpoils taken from the enemy. This liberality of the Generals towards the ſoldiers, ſays a modern Critic *, frequently raiſed ſuſpicions in the Tribunes of the People. They took occaſion thence more than once to proſecute the conqueror, out of a notion that ſuch largeſſes were not made without deſign.

But what contributed infinitely to increaſe the revenue of the State, was the law made in relation to the manumiſſion and freedom of ſlaves; which enacted that whoever enfranchiſed a ſlave ſhould pay into the public Treaſury the twentieth part of what ſuch ſlave was worth. The Senators confirmed this law, becauſe it brought a conſiderable revenue into the

* P. *Rouillé.*

Exchequer, which was not rich; and this ſhews clearly enough that ſuch enfranchiſements were common and frequent. What a noble uſe did the State make of this public treaſure, under the Conſulſhip of C. Valerius Publicola, and C. Marcius Rutilus! Five Commiſſaries were appointed, and called *Menſarii*, who were empowered to terminate the affair of the debts, which had been a fruitful ſource of diſſenſions. Compting tables were erected in the market-places, with ready money to pay the creditors, whoſe place and aſſignments the State took upon diſcharging the debts; or elſe putting a reaſonable price upon the lands and houſes of the debtors, they ſold them at that rate. By this means abundance of debts were diſcharged without injuſtice, and without any complaint.

The cuſtom of carrying into the public Treaſury a part of the booty taken from the enemy, was long continued. Valerius Corvus, before he burnt the town of Satrique, abandoned the plunder of it to the ſoldiery: but he enriched the public Treaſury with the ſale of four thouſand priſoners of war, with which he made his triumphant entry into Rome. It is eaſy to be obſerved, that when Generals were not able to bring money into the public Treaſury,

ſury, they ſtill were careful on occaſion not to diminiſh it. Thus they obliged the people that ſubmitted to their arms, to defray the pay of the troops for a certain time. It was at leaſt being frugal of the treaſure of the State. I have quoted ſeveral inſtances of this military œconomy. The Conſul L. Æmilius treading in the ſteps of his predeceſſors, when he had forced the Samnites to ſue for peace, exacted from them a year's pay for his troops, and corn to ſupply his army for three months.

But the Republic was not ſo entirely taken up with the increaſing of the public treaſure, as not to think at the ſame time of proper means to make her citizens enjoy the fruits of her conqueſts. She did not fail on various occaſions to ſeize part of the enemies territory, and to divide it afterwards among the citizens. There are inſtances of this diſtribution very ancient: I might eaſily collect a great number of them, and ſhew that Romulus firſt laid the plan of ſuch a diviſion, in order to aggrandize his riſing State. I ſhall only obſerve here, that the Romans, when towards the end of the fourth century after the foundation of Rome, they granted a truce of an hundred years to the Cerites, a people of Etruria, took away from them

half of their lands. Some time after this we find the Conſul L. Manlius Torquatus ſtripping the inhabitants of Capua, Latium, and Privernum, of their ancient poſſeſſions, and diſtributing them among the conquerors. The fine plains of Falerno, as far as the river Vulturnus, were ſhared in the ſame manner, and the diſtribution which Rome made of thoſe conquered countries was very equitable: ſuch as had lands in Latium, had only two acres of land on account of the neighbourhod of Rome; and ſuch as could not have the ſame quantity of land in Latium, had by way of compenſation ſome portion of land in the country of the Privernates. With regard to the Romans who had the plains of Falerno ſhared among them, they aſſigned them three acres of land, becauſe they lay at a greater diſtance from Rome.

The Romans had likewiſe a cuſtom of granting to Colonies the lands of the ancient inhabitants, whom they obliged to go and find out an abode in other quarters. Thus in order to chaſtiſe the Senators of Velitræ, they ordered them in the 417th year of Rome to quit their town and ſettle beyond the Tyber, and made a grant of their lands to ſuch as they ſent thither to form a colony. They confiſcated alſo at the ſame time the lands of the people

of

of Tibur and Prænesſte, on account of their frequent revolts.

In the 430th year of Rome, the Dictator L. Papirius Curſor gained ſo compleat a victory over the Samnites, that they were obliged to ſue to him for peace. They came to an agreement that the Samnites ſhould give a cloathing to every ſoldier of the Roman army, and a year's pay; and ſhould ſend Embaſſadors to Rome to treat about the conditions of a peace. P. Decius acted in the very ſame manner with regard to the Samnites and the Etrurians, who were always in league together againſt Rome: inſtead of the peace for which they ſued, they obtained only one year's truce, on condition that they ſupplied the Roman army with a year's pay, and furniſhed two ſuits of cloaths to every ſoldier. The Tuſcans ſaw themſelves ſoon after obliged by the Dictator M. Valerius Maximus to advance a year's pay for his army, and ſupply it with corn for two months. Such was the price for which the Senate granted them a truce for two years. Sp. Carvilius, who obtained the honour of a triumph for having vanquiſhed the Tuſcans, was one of the Generals who brought the moſt conſiderable ſums into the public Treaſury: he had forced the Faliſci to pay a ſum that amounted to one hundred

fifty ſix of our marks of ſilver, and the pay of the army for that campaign. Upon his return to Rome, he delivered to the Quæſtors a ſum which amounted to ſix hundred and nine of our marks of ſilver and ſomething more.

To ſhew how intent the Generals were for near five hundred years upon enriching the State, I need only quote a part of the noble anſwer which Fabricius made to Pyrrhus King of Epirus, who offered him gold and ſilver. " The thoughts of en-
" riching myſelf never yet came into my
" head. As I have been long employed
" in the adminiſtration of the Common-
" wealth, I have had a thouſand opportu-
" nities of heaping up great ſums of mo-
" ney without any reproach. Can one
" deſire a more favourable one than was
" offered me four years ago? Inveſted
" with the dignity of Conſul, I was ſent
" with a numerous army againſt the Sam-
" nites, the Lucanians, and the Brutians.
" I ravaged a great tract of country; I
" beat the enemy in ſeveral battles; I took
" by aſſault ſeveral towns full of wealth
" and booty; I made the whole army
" rich with their ſpoils; I reimburſed eve-
" ry citizen all the expences he had been
" at for the war; and having received the
" honour of a triumph, I put likewiſe

" four

" four hundred talents into the public " Treaſury.

I ſhall only relate a few other facts to ſhew, that the Romans, in the moſt flouriſhing times of their State, ſtill took care to draw from war conſiderable ſums which were put into the public Treaſury. Having reduced all Italy into ſubjection, they carried the war immediately to Carthage, forced Hieron King of Syracuſe, who was in league with that powerful Republic againſt the Mamertines, to ſue for peace, and made him pay an hundred talents of ſilver. They granted peace to the Carthaginians upon ſeveral conditions, among which we ſee that they obliged them to pay two thouſand two hundred talents in the ſpace of ten years, and a thouſand immediately upon the concluſion of the Treaty. A talent is valued at a thouſand crowns of French money. The Romans having afterwards picked an occaſion of quarrel with the Carthaginians about Sardinia, theſe laſt did not care to engage in a new war, gave up all claim to Sardinia, and paid twelve hundred talents, over and above thoſe which they were already bound to give them. Scipio Africanus, after the ſecond Punic war, obliged them to furniſh the troops of the Roman army with corn for three months, and with pay,

till they had an anſwer with regard to the conditions of peace; and to pay likewiſe ten thouſand talents of ſilver within the ſpace of fifty years, *viz.* at the rate of two hundred talents a year.

Titus Quinctius Flaminius made a peace no leſs advantageous with Philip King of Macedon: he obliged that Prince to pay the Commonwealth a thouſand talents, one half immediately, and the other half in ten years, in the proportion of fifty a year. When he granted peace upon ſeveral conditions to Nabis King of Lacedæmon, he required him to pay down an hundred talents, and fifty a year for eight years following. He condemned him likewiſe to yield up to the Romans all the towns that he was poſſeſſed of in the iſle of Crete. Not to keep ſtrictly to the order of time, I muſt not omit obſerving, that the ſame T. Quinctius Flaminius, after his triumph for the victories he had obtained in Greece, ſent into the public Treaſury to the value of ſix hundred forty eight thouſand livres in ſilver coin and bullion, and two millions four hundred twenty thouſand and forty livres in pieces of gold; *Infecti argenti decem & octo millia pondo, & ducenta ſeptuaginta facti, & auri pondo tria millia ſeptingenta quatuordecim*, ſays Livy, *Lib.* 14.

The

The Conſul *Marcus Fulvius Nobilior*, in the treaty of peace which he made with the Ætolians, among other conditions which he preſcribed them, obliged them to advance immediately two hundred Eubœan talents to the Romans, and to pay three hundred more in ſix years, at the rate of fifty in a year. The Senate, in their ratification of this treaty, expreſsly inſiſted that the Ætolians ſhould pay out of hand to the Proconſul who was then in Greece, two hundred Eubœan talents in as good ſilver as the Attic; and that if they choſe rather to make their payment of a third part of the ſum in gold, they ſhould be at liberty to do ſo, provided however they gave one pound of gold in lieu of ten pounds of ſilver; which ſhews that proportion between gold and ſilver was at that time decuple. The Senate added farther, that for ſix years, reckoning from the day of the concluſion of the Treaty, they ſhould pay fifty talents a year, and take care that theſe ſums ſhould be certainly paid at Rome.

At the ſame time that the Conſul *M. Fulvius Nobilior* reduced the Ætolians to a ſhameful treaty, his Collegue *Cn. Manlius Vulſo* forced a petty tyrant called *Moageſus*, who lorded it over ſome towns of Phrygia, to pay him an hundred talents, and

and ten thouſand *medimni* or meaſures of corn, each of which held near two Engliſh buſhels. In the famous treaty concluded between Antiochus the Great, King of Syria, and the Romans, the Senate did not forget the public Treaſury; but condemned that Prince to pay in twelve years time, by equal portions each year, twelve thouſand talents of ſilver, of the beſt Athenian ſtandard, the talent whereof weighed at leaſt fourſcore Roman pounds. I ſhall only obſerve, that by the ſame treaty he was obliged to furniſh alſo five hundred and forty thouſand buſhels of wheat. We ſee alſo Marcellus reſtoring the Celtiberians to their liberty, in conſideration of a tribute of ſix hundred talents. The Proconſul *Lucius Lucullus*, following his example, made the town of Cauca in Spain pay him an hundred talents of ſilver. The famous Sylla, after having gained two victories over Mithridates King of Pontus, granted him peace upon ſeveral conditions; one of which was, that he ſhould pay two thouſand talents for the charges of the war. Pompey acted in the ſame manner with regard to Tigranes King of Armenia; obliging him to pay the Romans ſix thouſand talents (or 1162500 *l.* Sterling) for the charges of the war, which he had entered into againſt them without any ground or provocation.

Before

Before Pompey's time, the public revenues ariſing from Aſia did not (as Plutarch relates) amount yearly to more than five thouſand myriads, or fifty millions of drachms (which comes to about five and twenty millions of livres, or one million ſix hundred and fourteen thouſand five hundred eighty three pounds, 6 *s.* 8 *d.* ſterling) but his conqueſts were ſo advantageous to the Romans, that they drew afterwards thence eight thouſand five hundred myriads; which comes to two millions ſeven hundred forty four thouſand ſeven hundred ninety one pounds, 13 *s.* 4 *d.* ſterling. He brought into the public Treaſury, as well in ſilver coin as in gold and ſilver plate, twenty thouſand talents, that is, ſixty millions of livres. Nobody will make any difficulty in believing this fact, who conſiders that he forced Tigranes alone (as I have ſaid a little before) to pay him ſix thouſand talents, which make about eighteen millions of French livres. This immenſe revenue was likewiſe prodigiouſly increaſed, after the Gauls and Egypt were made Roman Provinces.

It is certain that the money thus heaped up in their wars, contributed infinitely to enhance the revenues of the Romans. We do not ſee under the Emperors any inſtances of this politic œconomy. Auguſtus however,

however, who applied himſelf to enrich his ſubjects and embelliſh the Capital of the Empire, ſcraped together immenſe ſums. The money left by Tiberius is a ſubſtantial proof of this fact.

Though this laſt Prince was extremely vicious, he was not however covetous. *Satis firmus*, ſays Suetonius in the life of Auguſtus, *ut ſæpe memoravi, adverſus pecuniam.* He was in truth ſometimes carried on to unſpeakable cruelties; but beſides that the inſtances thereof are very rare, he left immenſe ſums in his Exchequer: *Vicies ac ſepties HS*, ſays Tacitus, which amount to two hundred and two millions of French money *, a ſum which is hardly to be found now-a-days in the treaſury of an Eaſtern Monarch. Caligula his ſucceſſor ſquandered away all this money in leſs than a year's time. *Non toto vertente anno aſſumpſit*, are the very words of Suetonius. Though Tiberius was a Prince that uſed œconomy enough, it is nevertheleſs very probable that this prodigious quantity of money had been chiefly hoarded up under the long and pacific reign of Auguſtus, who, according to the

* The late Dr. *Arbuthnot*, who regrets much that no Author had in his time left us any account of the revenues of the Roman Empire, computes it at 27796875 *l.* ſterling. *Weights and Meaſures*, c. 18.

wiſe

wiſe politicks of Princes that ſtudy the happineſs of their ſubjects, examined carefully into the public accounts. Some time before his death he depoſited in the hands of the Veſtals three volumes containing a detail of the whole Empire, the number of forces, the ſtate of the Revenue, of the public Treaſury, and his private Exchequer, and what ſtill remained due of the various impoſts and tributes. Auguſtus had likewiſe drawn up a liſt of the ſlaves and freed-men who might be brought to an account. *Breviarium totius Imperii, quantum militum ſub ſignis ubique eſſet, quantum pecuniæ in ærario & fiſcis, & vectigaliorum reſiduis: adjecit & libertorum ſervorumque nomina à quibus ratio exigi poſſet*; ſays Suetonius in the Life of Auguſtus. We ſee in this paſſage that the Emperor carefully diſtinguiſhed between the public Treaſury and the Prince's private Exchequer, looking upon the one as the revenue of the State, and the other as his own patrimony. It was at this private Exchequer that the legacies bequeathed by will to Tiberius, Livia, Germanicus, and the Roman people were received. This diſtinction is ſtill more clearly atteſted by what Suetonius ſays, that though he left the Empire in a flouriſhing condition, he alledges the narrowneſs of his private

private fortune, as a reaſon why he left ſo few legacies, *excuſata rei familiaris mediocritate.* This Prince obſerves likewiſe in his will, that his heirs would have only three millions ſeven hundred and fifty thouſand crowns to be ſhared amongſt them, whereas he had within twenty years paſt inherited of his friend to the value of fourſcore millions and fifteen hundred crowns; the whole of which almoſt he had ſacrificed, beſides his own patrimony, to the public good.

Auguſtus, in thus diſtinguiſhing the public Treaſury from the private Exchequer, acted agreeably to the government of the Republic, under which the public Treaſury had been a very ſerviceable reſource. After his example, ſuch Emperors as were truly concerned for the happineſs of their ſubjects, as Trajan and Adrian, took particular care to preſerve and augment the revenue of the State. Spartian ſays, that the former of theſe Princes would not ſuffer the confiſcated effects of perſons condemned to death to be brought into his particular Exchequer, but cauſed them to be carried to the public Treaſury. Pliny did not fail to extol Trajan for the manner in which he adminiſter'd the revenues of the Empire, and his private eſtate. " But perhaps (ſays he to him) " you

" you are more careful in the manage-
" ment of your private fortune than you
" are of the public. Far from doing ſo,
" you rather favour it the leſs, as think-
" ing you have a better right and greater
" power over your own eſtate, than over
" that of the Republic."

What I propoſe in laying theſe facts together, is to point out a ſource of revenue which the Romans knew how to open, and make it contribute infinitely to the grandeur of the State and the happineſs of the citizens. In proportion as the public treaſure came to be more conſiderable, the Republic ſtill found in it greater reſources in critical conjunctures. She was under no neceſſity of loading the citizens with heavy impoſts; the public Treaſury never failed affording a ready and ſure reſource in all exigencies whatever. If ſhe took any ſum from thence in times of calamity, ſhe reſtored it with advantage, and ſtocked it with new ſupplies when ſhe had gained a victory. Some Emperors were ſo ſenſible of the advantages of this politic œconomy, that they obliged ſeveral Provinces to furniſh oil, horſes, ſtuffs, bacon, and a certain quantity of corn. They erected magazines of all theſe kinds of munitions and proviſions, in order to open and diſtribute them in a time of ſcarcity

or

or famine, without deriving thence any immediate profit to the State. Every thing that relates to the Romans affects and intereſts us ſo much, that I have room to hope the world will not be diſpleaſed to find in the following Treatiſe various examples of a politic œconomy which we cannot help admiring.

OF

OF THE REVENUES OF THE ROMANS.

CHAP. I.

Of the Demeſne of the Romans.

THE Romans had a *Demeſne* conſiſting in arable and paſture lands, meadows, vineyards, foreſts, olive plantations, ponds, mines, rivers, ſalt-works, and fruit-trees.

Romulus divided the territory of Rome into three parts. He diſpoſed of the firſt to the thirty *Curiæ* by equal portions; he aſſigned the ſecond for keeping the temples in repair, and defraying the charges of ſacrifices; and the third was applied to the occaſions of the State [a].

[a] Agrum in triginta partes æquales diviſit; ſed exemit priùs quantum ad miniſteria Sacrorum & Templorum ſatis eſſet, & quandam partem quæ eſſet Juris publici reſervavit. *Dion. Halicarn.* l. 2. c. 2.

In the courſe of time, the victories of the Romans ſwelled their Exchequer, and the conqueſts they made were conſtantly a new ſource of revenue. The Demeſne increaſed in proportion as the frontiers of the Republic were extended. Thus triumphs enriched them, and no way impoveriſhed the victorious ** [*as is generally the caſe now-a-days.*] The Veii having been ſubdued by the Romans, were condemned, as Livy aſſures us, to loſe part of their territory [b].

The Sabines, according to the ſame hiſtorian, paid a like fine; and whoever ſhall trace the progreſs of the arms of the Romans, will eaſily obſerve the progreſs of the Demeſne, and the improvement of the public Treaſury, as well under the government of the Kings, as under the authority of the Conſuls and the Senate, under the popular government, and in fine under the dominion of the Emperors. Horace ſpeaking of the golden age of the Roman Republic, ſays, that *the private men were poor, and the State rich* [c].

There were many inſtances of illuſtrious citizens, who, after having enriched their country, died without leaving effects ſufficient to defray the charges of their funeral. The poverty of Valerius Publicola, Menenius Agrippa, and Cincinnatus, was a juſter ſubject of

** [*Theſe words in Italick letter were ſtruck out, before this Treatiſe could be licenſed; and the caſe was the ſame as to all other paſſages, before which this mark ** occurs*]

[b] Veientes parte agrorum multati ſunt. *Tit. Liv.* l. 1. n. 3.

[c] Privatus illis cenſus erat brevis, commune magnum. *Hor.* l. 2. Od. 15.

glory,

glory, and much more for their honour, than all the riches of their ſucceſſors [d].

The Martian foreſt, the territory of the Volſci, the lands of the Hernici, the fields of the Aruncians, and the eſtates of the Equi, were incorporated into the Demeſne; ſo that war, which is now become a bottomleſs pit that ſwallows up all the riches of a State, was then a mine from which the Romans drew their greateſt treaſures. This hath been very well obſerved by a politician [e] who is deteſted by private men, but is continually conſulted by the beſt and ableſt Miniſters. This is a matter of fact proved by an infinite number of examples, the multitude of which would ſerve rather to puzzle, than to give new light to the ſubject; but it is founded on a principle of political prudence, which requires that the revenue of a State ſhould ariſe from the very ſource from whence the neceſſity of the expence is derived; and that war, which is a devouring monſter, ſhould be fed with its own ſubſtance, and drink its own blood.

Confiſcations were a ſecond ſource of the Demeſne. I ſhall only in this place quote an inſtance or two, becauſe I have wrote a particular chapter on the ſubject.

The Demeſne of Tarquin the Proud was confiſcated to the profit of the Commonwealth; and ſome patrimonial lands which belonged to him were converted into a place of public aſſemblies called the *Field of Mars*, to ſhew that

[d] *Tit. Liv* l. 1, 2, 3. *Dion. Halicarn.*

[e] *Machiavel*, l. 2. c. 7. upon *T. Liv.* See *Livy*, *Halicarn. Florus*, *Polybius*, and *Juſtin.*

the State would never come into any accommodation with him, or have any peace with ſuch as ſhould endeavour to reſtore him.

The eſtates of the *Decemviri* were likewiſe confiſcated [f], becauſe of ſimple Commiſſioners as they were originally, they had ſet up themſelves for Sovereigns; and abuſing the authority delegated to them by the Senate and the People for drawing up and eſtabliſhing a body of laws, they had arrogated to themſelves the power of abſolute dominion. The eſtate of Spurius Melius was alſo annexed to the Demeſne [g].

Confiſcations were introduced, becauſe a perſon cut off from human ſociety by a capital puniſhment, or from the Republic by a civil death, is deemed to be annihilated, and conſequently incapable of leaving or diſpoſing of his effects to his relations or friends, as being cut off from all ſhare or benefit in the laws; ſo that in ſuch caſe the eſtate which he enjoyed, being left without any proprietor, ought naturally to eſcheate to the public Demeſne, as the common center from which he was preſumed to have derived it originally. The laſt Emperors in truth moderated the rigour of this part of the law, as being perſuaded that nature was more ancient than law, and that rights of blood were preferable to the claims of the Imperial Exchequer [h].

I ſhall not here take any notice of Attalus King of Pergamus, who left the People of Rome his heir; nor of donations, fines im-

[f] *T. Liv. & Dion. Hal.* l. 4.
[g] *T. Liv.* l. 4.
[h] *Novell.* 134.

poſed,

poſed, or eſtates devolving to the public by eſcheat, and deemed to be vacant or deſtitute of a proprietor; becauſe I ſhall ſpeak of them at large in another place. It will be ſufficient to remark, that when private men mounted on the Imperial Throne, they brought all their own eſtates as it were by way of portion to the State; for eſtates being only acceſſories and annexed to perſons, could not continue in a private condition, when the proprietor thereof was raiſed to the dignity of a Sovereign. One of the Antonini ſhewed himſelf very ſenſible of this truth, when after his elevation he ſaid to his wife, who blamed him for not being liberal enough, *Madam, we have now nothing of our own*[1]; meaning, as I conceive, that the public intereſt and his private intereſt being blended together in the perſon of the Prince, he had no longer any eſtate in private property; and that what he had brought, being united to that of the State, had immediately thereupon changed its nature, and become the property of the Empire, being no longer annexed to his perſon, but to his dignity. But the Emperors did not uſe to make expreſs declarations for theſe kinds of annexing; at leaſt neither Hiſtory nor the Laws furniſh us with any inſtance thereof; as was practiſed in France in the year 1532 with regard to the ſovereignty of Bearn, the Kingdom of Navarre, the Duchy of Bretagne, Normandy, and the lands of perſons condemned for high treaſon; tho' a poſſeſſion of ten years hath, by the very words of the Ordinances of 1566, the ſame force as a formal declaration.

[1] *Jul. Cap.* In Antonino Pio.

The lands of the Demeſne were called *Prædia Tamiaca*, *Prædia Dominica*, *Fundi Patrimoniales*, *Prædia Civilia vel Fiſcalia*, *Res Privatæ vel Dominicæ* [k].

We may judge of the largeneſs and extent of this Demeſne by the greatneſs of the Roman Empire, which had ſcarce any other bounds than thoſe of the Univerſe [l]; for the lands of the Imperial Demeſne were ſpread over all the Provinces of that vaſt Republic, and particularly in thoſe of Aſia and the Eaſt [m].

This Demeſne comprehended likewiſe a great many foreſts, the adminiſtration whereof was very honourable, whatever contempt Julius Cæſar expreſſed for that kind of employment; and notwithſtanding the complaints he made, that his commiſſion in Spain gave him no power but over trees and thickets [n].

Rivers made alſo a part of the Demeſne; and this is the opinion of Angelus upon the law *Fluminum* [o]. Ulpian had decided this point before in expreſs terms upon the firſt law.

The lawyer Caius maintains in like manner that the public hath every whit as much property in rivers [p], as particular citizens have in

[k] *C.* De Præd. Tamiacis, *&c.* & paſſim.

[l] Orbem jam totum victor Romanus habebat,
Quà mare, quà terræ, quà ſidus curritur utrumque.
Petron.

[m] *L.* 6. 8, 13. *Cod.* De fundis patrimon.

[n] *Cod. l.* 11, 7, 62, 63, 65, *tit.* De fugit. Colonis ſaltuenſ. De Mancipiis ſaltuenſ. *&c.*

[o] *ff.* De damno infecto.

[p] *ff.* De Interd. *l.* 1. *ff.* De diviſione rerum.

their

their private eſtates: and the firſt law confirms alſo this opinion [q].

To form a clear and diſtinct notion of the matter I am treating of in this place, it will be proper to frame in the imagination as it were four circles of different ſizes, incloſed one within another, *viz.* Families, Towns and Corporations, States, and in fine, the univerſal Republic of the world. Private eſtates belong to Families; public eſtates, in an improper meaning of the word, to Towns and Corporations; public things, in their true and natural ſenſe, to States; and things common belong to the great Republic of the Univerſe, of which the native and the foreigner, the civilized man and the barbarian, are equally citizens.

From this principle Lawyers have inferred, that the earth, the air, fire, and the ſea belong in general to all mankind [r], and that by the Law of Nations the entrance and paſſage of all ſeas are free and open to all kinds of nations, without any diſtinction of country or climate.

The ſhores too, becauſe they paſſed for acceſſories or appendages of the ſea, were deemed to enjoy, as it may be ſaid, or be entitled to the ſame free and common right. The captains of Æneas's fleet, in Virgil, make great complaints againſt Dido's officers, becauſe they had hindered them from coming into the

[q] *ff.* §. 1. De fluminibus.

[r] *Inſt.* §. 1. *tit.* De rerum diviſione.
L. 2. §. Si quis in mari. *ff.* Ne quis in loco publico.

roads and landing on the coasts of Africk [s]: and Juno, in Ovid, exclaims against a like injustice [t].

It must be owned however, that the Prince's Exchequer began to attack and encroach upon this right: and flatterers maintained that every thing which swam in the sea or in rivers belonged to the Emperor's Demesne; a claim which appeared extremely shocking to Juvenal [v].

Now-a-days, ** [*when ambition and avarice have effaced in a manner all traces of this right*] Princes pretend that the sea follows the nature of the shore; and consequently whoever is master of this, is master also of the other.

This is the quarrel of the Hollanders and the Danes about the freight and passage of the Sound; of the English and Danes in relation to the seas of Norway; of the Dutch and English with regard to the British Channel; of the Pope and Venetians about the navigation of the Adriatic sea; and of most nations in regard of the commerce of the East and West Indies, which the Portuguese and the Spaniards have always laboured to engross and appropriate to themselves, exclusive of all other European nations.

[s] Quod genus hoc hominum, quare hunc tam barbara morem
Permittit patria? Hospitio prohibemur arenæ.
Æneid. l. 1.

[t] Quid prohibetis aquas? Usus communis aquarum est.

[v] Si quid Parphurio, si credimus Armillato,
Quicquid conspicuum pulcrumque ex æquore toto est,
Res fisci est, ubicumque natat. *Juv.* Sat. 4.

The

The chief reaſons that ſupport this common right and freedom of the ſea, ſeem to me to be taken,

1. From the neceſſity of commerce [u].

2. From the diverſity of arts, and the various kinds of genius.

3. From the deſire of travelling, and the inclination which all men have for ſociety.

4. From the original right which every particular perſon hath over all the earth, and which the competition of different claimants hath cauſed to be ſhared out, as it divides an inheritance among ſeveral coheirs.

5. From the quality which the ſea hath of ſerving for a public road to all the nations of the world.

6. From this great road's not being liable to be ſpoiled, or ſubject to any reparations.

7. Laſtly, becauſe no body can juſtly complain of a paſſage, which belongs to nature, and is never to be deſtroyed or altered.

It is however proper to adhere to the right which is ſettled by practice and cuſtom, without troubling ourſelves about laws that are either diſuſed or aboliſhed.

The Imperial Exchequer had no claim or right to wrecks [w]. The Emperor Conſtantine takes under his protection all perſons whatever that ſuffered by the ſea, and grants a kind ſanctuary or place of refuge to ſhips that were driven on ſhore by tempeſts. *The Majeſty of the Empire*, ſays he, *hath no right over the afflictions of the unfortunate.*

[u] Nec verè terræ ferre omnes omnia poſſunt. *Georg.* 1.
[w] *Cod.* l. 1. De Naufragiis.

** [*The Ordinances of the Kings of France are very different, inſomuch that if the perſons intereſted in a wreck do not make their claim within a time prefixed, the ſpace whereof is reaſonable enough, that is, of a year and a day, they are deemed voluntarily to renounce what the ſtorm had taken from them before againſt their wills by force.*]

The Emperors ſometimes gave away the lands of their Demeſne, reſerving only a quit-rent; and theſe could not be taken away from thoſe who held them or their ſucceſſors, provided the rent was duly paid [x]. Ulpian ſtiles this kind of Demeſne by the name of Tributary Fields, *Agri vectigales*. This is properly ſpeaking what we call the infeoffed or unchangeable Demeſne.

They farmed out other lands for a ſum of ready money, and the leaſes thereof were uſually made for five years: this is the changeable Demeſne [y]. Sometimes they let it out by halves, and the farmers of this kind were called *Coloni Partiarii*.

Waſte and uncultivated lands were ſometimes diſpoſed of for a long term of years [z]: this depended on the œconomy and good conduct of the adminiſtrators.

Leaſes were uſually granted for five years [a], becauſe at the end of that term a general re-

** *Ordonnance* of 1543, Art. 11, 12. and of 1554, 1573, and 1582.

[x] *L.* 1. *ff.* Si ager vectigal.
L. 5. *C.* De locatione præd. fiſc.

[y] *Varr.* l. 4. De ling. Lat.
L. 1. *ff.* Si ager vectigal.

[z] *L.* 2. *C.* De jure Emphiteutico, *&c.*

[a] *T. Liv.* & *C.* De locat. vectigalium.

view

view was made of all the citizens, and an exact account taken of their eſtates. But theſe three kinds of leaſes differed in abundance of reſpects from the adjudications of the King of France's Demeſne.

1. If the leſſees of an eſtate failed in paying their rent for three years together, or even only for two years, the leaſe was vacated and entirely diſſolved [b]: whereas in France it is neceſſary to procure the King's letters, and carry on a ſuit of law for ſetting it aſide; the ſummary ways of annulling a leaſe without the formalities of a legal proceeding not being received in that kingdom [c]. The ſame method was obſerved with regard to leaſes for a long term of years.

2. When the poſſeſſors or detainers of eſtates ſold them, there was no duty paid to the Imperial Treaſury [d]. They are now obliged to pay fines of alienation.

3. They did not obſerve the ſame formalities in ſales or leaſes as are now in uſe; but they ſtill agreed in the main [e]. We do not find that they made uſe of fire; but by poſting up advertiſements they gave public notice of the adjudications or auctions that were to be made [f]. There were in this point ſome delays which were not always uniform; and after auctions were over and adjudications made, there was ſtill a certain time allowed for re-

[b] *L.* 1. *Cod.* De jure Emphit. *Authentic.* Qui ven. *C.* De ſacroſanctis Eccleſiis.
[c] *Loiſeau, Bacquet.*
[d] *L.* 5. De locat. præd. fiſcal.
[e] *L.* 1. *C.* De vendendis rebus Civit.
[f] *L.* 3. De fide & jure haſtæ fiſcalis, & paſſim in Codice.

ceiving

ceiving higher offers; ſo that the Royal Ordinances upon this ſubject are taken almoſt *verbatim* from the laws I quote.

4. When a perſon was evicted through default of paying his rent for two or three years, he was not reimburſed for any improvements he had made on the eſtate; though if it was in a worſe condition, and he had committed any waſte upon it, he was obliged to make good the damages [g]. This depends in France on the equity of the Judges or Commiſſaries.

It cannot be improper to obſerve, that none but the Imperial Treaſury and the Churches had a right to receive any higher offers after an auction or adjudication was over; and that Towns and Corporations were excluded from that privilege [h].

5. If farms were adjudged to inſolvent perſons, the officers anſwered for them, (which is not the caſe at preſent.) For this reaſon the Emperors Gratian, Valentinian, and Theodoſius ordered them to diſpoſe of the farms only to rich and ſubſtantial people, that could give good and ſufficient ſecurity [i]. The Ordinance of Francis I. is agreeable to this regulation.

6. The Romans knew no diſtinction between lands noble and ignoble, lands free or allodial [k], nor any thing of fines of alienation, the fifth part of the purchaſe-money payable to the Lord of a fief, and the fifth of that

[g] *Novell.* 120.

[h] *L.* 1. *C.* De vendend. reb. Civit.
L. 21. §. 7. *ff.* Ad municip. *Auth.* 19. *C.* De ſacroſ. Eccleſiis.

[i] *L.* 1. *C.* De locat. præd. fiſcal.

[k] *Du Moulin, Pref. ſur le tit. des Fiefs. Loiſeau.*

fifth,

fifth, of inveſtiture and ſeizin, ſeizures, opening of the fief, amercements for not paying the quit-rent, nor in ſhort of the rights of high, mean, and low juriſdiction [l]. The Italian lawyers [m] who have thought that Romulus had inſtituted and ſettled fiefs, upon his having divided the Roman citizens into two orders, and called the one *Patrons* (which is a name that our French Civilians give to feudal Lords) and the others *Clients*, which is a term that they aſcribe to Vaſſals and Feudataries; theſe lawyers, I ſay, had not conſulted Dionyſius of Halicarnaſſus [n]; for he would have told them, that the Patrons were the Patricii, who had the care of religion and bore civil offices; and the Clients were the Plebeians, who tilled the lands, exerciſed mechanic arts, and followed trades. The firſt were properly the protectors of the others, and theſe in return paid them a great deal of reſpect: but beſides that theſe titles were voluntary, every one being at liberty to chuſe any body he liked for his protector, they were likewiſe purely perſonal, belonging to the perſons, and having no manner of relation to the lands and eſtates which ſuch perſons occupied or enjoyed.

7. There was a Superintendant of the Demeſne, who was diſtinguiſhed by the title of *Illuſtrious* [o]: it was one of the firſt poſts of the Empire. This officer had no dependance

[l] *Pithou ſur la coutume de Troyes.*
Coquille, Inſt. du Droit François.
[m] *Baldus, Bartholus.*
[n] *L. 2. c. 2.*
[o] *C. De officio Comit. rer. privat.*

on

on the Superintendant-general of the revenue, and took place immediately after him.

8. The money ariſing from the Demeſne was put into a particular treaſury called *the Fiſc* [p]; but what aroſe from other branches of the revenue was lodged in the public Treaſury called ſimply *Ærarium*.

The younger Pliny in his Panegyric makes a diſtinction between theſe two ſorts of Treaſuries, though their names are often confounded in other authors. In France the profits of the Demeſne are paid into the Royal Treaſury, and are under the direction of the Comptroller general of the revenue.

9. The ancient farmers, when their leaſe was expired, had the preference before all others. There is a regulation to this effect made by the Emperors Honorius and Arcadius: *It is juſt and equitable*, ſaid they, *that the old tenants ſhould be preferred to new bidders, if they offer the ſame price* [q]. ** [*In France this depends on the Comptroller-general of the Finances.*]

10. There was a general prohibition which incapacitated all the officers of the Emperor's houſhold from being admitted tenants of any part of the Demeſne [r]; and it lay more particularly againſt ſuch as had any poſt or employment in the Revenue, either in their own name, or by the intervention of others lending

[p] *L.* 2. §. Hoc interdict. *ff.* Ne quid in loco publico, *&c.*

[q] Æquitati congruit, ut veteres poſſeſſores fundorum publicorum noviſſimis conductoribus præferantur, ſi facta per alios augmenta ſuſcipiant.

[r] *L Unic. C* Quibus ad conductionem præd fiſcal. accedere non licet.

them

them theirs: there is an Edict of Arcadius and Honorius expreſs to this purpoſe [r]. The Ordinances of the Kings of France in 1541 and 1561 are agreeable to this regulation: but they are not always obſerved, the neceſſities of the State ſubjecting them to frequent derogations.

11. The officers of the Revenue ſometimes improved and made the moſt of the Demeſne by putting it under the management of particular Commiſſioners who had ſeveral families and ſlaves under them [t]. In France there is an Ordinance which allows, and indeed goes ſo far as to preſcribe this: but it is broke through by a contrary cuſtom.

12. The Demeſne lands were ſubject to *Talliage*, and other charges incident to lands [u]; as well as to repairs of the highways, bridges, and cauſeways. In France this is not obſerved at preſent in ſeveral Provinces, where the Talliages are affixed to lands [v], particularly in Dauphiné, where the lands of noble tenure declared to be ſo in the ancient *Cadaſtre* *, are exempt from them: and as for highways, bridges, cauſeways, moles, piers and banks, the officers of the Revenue aſſign and appro-

[r] Nullus Palatinorum qui in officio rei noſtræ privatæ militant, conductionis nomine, vel per ſe, vel per quamlibet perſonam poſſeſſionum hujuſmodi conducendarum facultatem, cum neque militi, neque curiali hoc permittamus.

[t] *L.* 10. *C. tit* 62 & 63.

[u] *L.* 1. *C.* De collat. fund. patrim.

[v] *L.* 4. De privilegiis Domus Auguſtæ.

* *The Cadaſtre is a public regiſter made by authority of the Court of Aides, and containing the names of the proprietors of eſtates, their quality and value, in each corporation and pariſh.*

priate every year a particular fund for theſe kinds of expences [w].

There is one remarkable difference between the Demeſne of the Kings of France, and that of the Roman Emperors. The firſt of theſe is ſacred and inalienable, except in two caſes only, *viz.* when it is neceſſary to provide for the urgent neceſſities of the State, and even then there is a right reſerved of repurchaſing it, which cannot be forecloſed by any preſcription; and in order to ſettle an appanage for a younger branch of the Royal Family, but ſtill with a right of reverſion to the Crown in defect of male iſſue: ſo that a purchaſer never hath an unalterable property in lands that ever were part of the Royal Demeſne, as appears by the frequent reſumptions and re-ſales that are made thereof. The Imperial Demeſne on the contrary was ſold and alienated for ever, like the eſtates of private perſons.

There was a famous law made by Alexander Severus to this effect. *I ſhould bluſh*, ſays this Emperor, *for ſhame, if the officers of my Exchequer ſhould offer to ſue and moleſt a purchaſer of the Demeſne, after it hath been fairly aſſigned to him, and he hath paid the purchaſe-money for it* [x].

The words of Honorius and Theodoſius on this ſubject are not leſs remarkable. *Neither equity nor honour*, ſay they, *allow the Prince's Treaſury to reſume what it hath once ſold* [y].

[w] *Expilli*, in his *Pleadings*.

[x] Graviſſimum verecundia mea duxit, ut cujus rei pretium (cum bona fide eſſet addicta) ſemel fiſcus acceperit, ejus controverſiam referat.

[y] Retractare fiſcum quod ſemel vendidit, æquitatis honeſtatiſque ratio non patitur. *L.* 2. *Cod.*

Theodosius and Valentinian decide this point in terms still more express. *We enact*, say they [z], *by this present Declaration, that the purchasers of the lands of our Demesne in perpetuity, shall remain for ever possessed thereof, notwithstanding any grant or assignment thereof that the Emperor may make himself to a third person, either at the request of such person, or of his own proper motion, under the penalty of an hundred pound fine to be laid on the Superintendant of the Demesne that shall any way infringe this Ordinance, and the like fine upon the officers of our Demesne, to be paid to us, whatever high and advantageous offers of greater value may be made from other quarters. Our meaning therefore is, that these kinds of public contracts shall be for ever irrevocable; and likewise the estates sold and assigned may not for the future be resumed nor taken away from the purchasers to whom they have been assigned, or from their children, successors, heirs and assigns, on any claim or pretence whatsoever.*

The second law on this subject is likewise express. Constantine the Great hath left an universal and inviolable Edict, which is couched in these terms. *We notify to all persons, that whoever purchaseth or hath purchased any estate of our Exchequer, he and his heirs and successors shall continue perpetual and indefeasable Lords and owners thereof, without being liable to any resumption on our part, or to be outed of their possession on pretence of any right of ours whatever.*

[z] *L. 7. C.* Eodem.

[a] Universi cognoscant, has possessiones quas de fisco nostro comparant seu comparaverunt, nullo à nobis jure retrahi, sed propria firmitate possessas, etiam ad posteros suos dominii perpetui durabilitate dimitti.

Gratian, Valentinian, and Theodosius extend these regulations even to the pure grants and donations proceeding from the mere bounty of the Prince without any other consideration. *Whoever*, say they, *enjoys in virtue of our own Imperial liberality or that of our predecessors, any estate or lands of our Demesne or Patrimony, situated either in the Diocese of Asia or in that of Pontus, shall be absolute proprietor thereof, and have power to transmit the same to his posterity, and not only to convey them to his heirs, but even sell and alienate them from his family by any kind of contract whatsoever* [b].

More than this, the purchaser of such estates became so entirely master thereof [c], that he had the privilege and authority of enfranchising the slaves that were, by the misfortune of their condition and birth, reduced to servitude, and tied to the ploughing and cultivating of the lands; though the contrary was inviolably observed so long as those estates remained in the hands of the Exchequer [d].

The Emperor Anastasius carried afterwards this right to a farther length: for he enacted that whoever should have continued forty years in a peaceable and undisturbed possession of any estate of the Imperial Demesne, or of lands of the Church, either by himself or by any other proprietor from whom he derived

[b] Hi quibus patrimoniales possessiones per Asianam & Ponticam Diœcesim, vel à Divis parentibus nostris sacrâ largitate donatæ sunt, inconcussè possideant, atque ad suos posteros transferant: quod quidem non solum in hæredibus, sed etiam in contractibus omnis generis volumus custodiri.

[c] *L.* 12. *C.* De fundis patrim.

[d] *L.* 1. *C.* Ne rei dominicæ vindicatio temporis præscriptione submoveatur.

his

his claim [e], whether his poſſeſſion was authorized and warranted by authentic writings, or was deſtitute of evidences, ſhould be deemed to have acquired an entire and perfect property therein; ſo as even to plead preſcription againſt the quit-rent originally reſerved and afterwards acquitted, if in the courſe of thoſe forty years it did not appear to have been paid, and the poſſeſſor had not been ſued on that account.

This Ordinance in truth derogates from that of Valentinian the Second, Theodoſius the Great, and Arcadius; the purport whereof is, that no preſcription ſhould be allowed in favour of ſuch as ſhall have purchaſed parts of the Demeſne from ſellers who had intruded into the poſſeſſion and uſurped the property thereof fraudulently and illegally [f]; but that in ſuch caſe, the Prince ſhould on the contrary be at liberty to turn out the wrongful detainers of ſuch lands, without any reſtitution of the ſums of money diſburſed by the purchaſers, how long ſoever their enjoyment and poſſeſſion thereof had continued.

In a law of the Emperors Dioclefian and Maximian upon this ſubject, there is inſerted a circumſtance which deſerves attention [g]; which is, that if the officers of the Revenue proceeded to the ſale of an eſtate, for want of the talliage incident to the lands being paid, the purchaſer thereof, by a legal poſſeſſion of thirty years, becomes the unqueſtionable and

[e] *L.* 14. *C.* De fundis patrim.
[f] *L.* 2. *C.* Ne rei dominicæ vel templorum.
[g] *L.* 1. *C.* De præſcriptione triginta vel quadraginta annorum.

indefeaſable proprietor thereof, though the uſual ſolemnities preſcribed by the law in the caſe of ſuch ſales had been either infringed or neglected; the defect ariſing from ſuch omiſſion being removed and repaired ſufficiently by ſo long and peaceable a poſſeſſion.

This ſeems to be the proper place for giving ſome account of the different motives which engaged the Roman Empire and the French Monarchy to lay down, in affairs of the ſame nature, ſuch different rules, and to eſtabliſh laws ſo directly contrary; particularly as to the ſale of the Demeſne. We ſhall follow the order of time, and begin with the Romans.

1. The Romans were perſuaded, that there might be an effective commerce carried on between the Commonwealth and the Citizens, between the Public and Private Perſons, as well for lands as the produce thereof, and for immoveable goods as well as the moveable [h].

2. They had found by experience that in certain conjunctures the State had as much occaſion to ſell, and as much intereſt to make purchaſes, as ſubjects had [i]. Now in purchaſes the perpetual right of redeeming or repurchaſing the eſtate ſold was ſometimes ſtipulated, but ſtill in favour of the purchaſers, who might on giving back the land re-demand their money, but never in favour of the State.

3. They thought it was going againſt the nature of things, to attempt to perpetuate the

[h] *C.* De vendend. rebus ad Civit. pertinentibus, *l.* 11. *tit.* 31.
[i] *Tit. Liv.* l. 29. n. 26.

property of certain lands to one and the ſame maſter [k].

4. They deemed it a point of religion, and conceived themſelves obliged in conſcience to keep the conditions and clauſes of ſales and adjudications [l].

5. This carried with it at leaſt a ſhew of honour, and tended to the ſecurity of families [m].

6. They were of opinion that they might ſell things conſecrated to the Gods, and much more ſuch as belonged to the Public [n].

7. They were perſuaded that whatever belonged to private perſons, belonged alſo to the State [o].

8. The power which all the world had of recovering the poſſeſſion of their eſtates, contributed ſomething to the ſecurity of the Emperor reigning; for his fall would hardly have been deferred for any conſiderable time after his promotion, if the military officers and ſoldiers had not been in continual apprehenſions of being ſtripped by his ſucceſſor, (in virtue of the right of reſumption or redemption) of thoſe lands which the ambition of their maſter

[k] Nam propriæ telluris herum natura neque illum,
Nec me, nec quemquam ſtatuit: nos expulit ille;
Illum aut nequities, aut vafri inſcitia juris,
Poſtremum expellet certè vivacior hæres.
Hor. L. 2. Sat. 2.

[l] ——Grave & immutabile ſanctis
Pondus adeſt verbis, & vocem fata ſequuntur. *Virg.*

[m] *L.* 1. *C.* Ne fiſcus evincat quæ vendidit.

[n] Non contra Religiones fieri quod Numinum ſimulacra venditionibus hortorum & domorum accedant. *Tac.* Annal. l. 1.

[o] Aliam apud Scipiones, aliam apud Fabricios pecuniam, ſed cuncta ad Rempublicam referri. *Id.* Ann. l. 2.

had engaged him to grant and put into their poſſeſſion [p].

9. Princes had likewiſe the vanity to imagine, that univerſal property was an attribute of their Empire; and that they poſſeſſed themſelves by a right of ſovereignty, whatever their ſubjects poſſeſſed by a right of property [q].

10. The Emperors reckoned it vaſtly for their glory, to be obſervant of the laws of the State, and ſubmit to them as well as private citizens [r].

11. And laſtly, the privilege of redeeming and recovering eſtates leſſened the price and value of purchaſes.

Such were the motives of the Romans for their regulations: but the French are able to produce much ſtronger reaſons in favour of their own.

1. It is God, and the natural right of birth, which put the Kings of France upon the throne [s], and not the uncertain chance of election, nor the voices of ſoldiers ever ready to be given to the higheſt bidder.

2. There muſt ever be a fixed and certain fund in a State for its ſupport in all exigencies: and on this its ſecurity and tranquillity chiefly depend [t].

[p] *Appian*, l. 4. *of the Civil Wars.*

[q] Cæſar cuncta poſſidet imperio, ſinguli dominio. *Sen.*

[r] Quanquam legibus ſoluti ſumus, attamen legibus vivimus. Nihil tam imperii proprium quàm legibus vivere: digna vox eſt majeſtate Regnantis, legibus obligatum Principem ſe profiteri; & revera majus imperio eſt ſubmittere legibus Principatum. *L.* 31. *ff.* de Legibus, *L.* 3. *C.* de Teſt.

[s] M. *Le Bret*, *Du Tillet.*

[t] Nec quies gentium ſine armis, nec arma ſine ſtipendiis, nec ſtipendia ſine tributis haberi queunt. *Tac.* Hiſt. l. 4.

3. In

3. In France the greedineſs of Courtiers is bounded and reſtrained by the *moderation and* prudence of the Prince; whereas under a ** *Nero, Caligula, and Galba,* it drained and exhauſted all the ſources of the Revenue [u].

4. The redeeming or re-purchaſing of Demeſne-lands does no injury to private perſons: the law is publickly known, and people purchaſe on that very condition.

5. This re-purchaſing is of very great advantage to the King, being a very ſure reſource againſt the neceſſity of the alienation.

6. Private men often inſert this condition in the bargains of ſale and contracts that they make: and in the Parliament of Toulouſe it is a received rule in the judgment of cauſes, that the right of redeeming or re-purchaſing thus reſerved is imperſcribable; whereas in countries governed not by the written law, but by their particular cuſtoms, it is preſcribed againſt by a poſſeſſion of thirty years [v].

7. The lands of the Demeſne conſiſt generally in Duchies and other appanages diſtinguiſhed by pompous titles, which were utterly unknown to the Roman Empire [w].

8. If in France they have received or introduced the right of primogeniture, and that of redeeming or re-purchaſing eſtates by the Lord of the fief, and by the next lineal heir, in order to the keeping up and conſervation of families, why ſhould they not likewiſe keep up

** *The Licenſer ſtruck out theſe three names, and inſerted in their ſtead theſe words,* certain Emperors.

[u] *Tacitus, Suetonius, Dio.*

[v] *Olive, in his Arrêts. Louet.*

[w] *Chopin, in his Treatiſe of the Demeſne.*

and obſerve the perpetual right of redemption in order to the ſupport and conſervation of the Crown, under the grandeur whereof all the families of the Kingdom enjoy their quiet and find a protection [x]?

9. The Emperors expreſsly prohibited the ſale of their palaces, in what places or provinces ſoever they were ſituated [y]. The Kings of France have frequently drawn from theirs very conſiderable ſuccours in the neceſſity of their affairs.

This perpetual and univerſal right of redemption hath alſo ſome kind of reſemblance and affinity with the fiftieth year of the Jews, which was their Jubilee [z]; that is, a general reverſion of all eſtates and lands to their original and firſt diſtribution.

** [*Very good reaſons however may be brought to prove, that the King of France may alienate indefeaſably.*

1. *The alienations that were formerly made of the Duchies of Guienne and Normandy, and of the County of Flanders, ſhew it clearly; for tho' the Lords of thoſe fine Provinces held of the Crown, they yet were Sovereigns as much as the Electors of the Empire* [a].

2. *All the noble fiefs and ignoble tenures in the Kingdom, depend either mediately or immedi-*

[x] *Du Moulin, Coutum. de Paris, tit. de Fiefs; Grimaudet du Retrait lignager.*

[y] *Sleidan, du Bellay.*

[z] Levit. xxv. 10.

[a] Populus liber eſt, etiamſi fœdere comprehenſum eſt ut alterius populi majeſtatem conſervet; hoc enim adjicitur ut intelligatur non eſſe liberum. *L.* 7. §. 1. *ff.* de Captivis. *Chopin du Domaine.*

ately

ately on the King; ſo that this dependance allows him to alienate them [b].

3. *Chopin and all the French lawyers are of opinion, that the King may alienate indefeaſably by exchange.*

4. *The ſafety and good of the people ought to be the ſovereign law* [c].

5. *Plato ſays, that great Kings ought in ſome places to command and over-rule the laws.*]

CHAP. II.

Of the Real Taille or Talliage incident to Lands.

THIS real Taille was levied upon all the ſubjects of the Roman Empire, and certainly produced an immenſe revenue; for in the reign of Trajan the Empire was ſo widely extended, that its boundaries were Scotland, the Rhine, the Leſſer Poland, the Caſpian Sea, the Tigris, the Perſian Gulph, the Deſarts of Africa, and the Pillars of Hercules [a].

The real Taille conſiſted, 1. In the tenth of all the arable lands which were uſed to lie fallow or untilled [b]. 2. In a quit or annual rent payable for ſuch as were uſed to be tilled [c]; and

[b] *Du Moulin, Coutume de Paris.*
[c] Salus populi ſuprema lex eſto.
[a] *Dio, Tacitus, Appian.*
[b] *Appian, Bell. civil.* l. 1. c. 20.
[c] *Servius Tullius, the ſixth King of the Romans, ſpeaks thus in Dionyſius of Halicarnaſſus.* Ut tributa quæ in ærarium

and this rent or duty was of two kinds, becauſe when they farmed out any of the lands which were actually laboured, they received and took all the profits and income thereof, as proprietors do of their eſtates; and the great lawyer Paulus calls theſe *Agri vectigales* [d].

The Romans, when they had conquered a country, ſometimes ſold the inhabitants their own lands: and in ſuch caſe they received at firſt the price of thoſe lands, and then laid upon them an annual quit-rent, which was generally the tenth or eighth part of the yearly value of the eſtate. They ſtiled theſe lands, like thoſe of the former kind, *Agri vectigales ſeu Emphiteuticarii* [e].

3. The real Taille conſiſted in the fifth part of the produce or profits of all ſorts of fruit-trees, or according to others, in the eighth part of the ſaid revenue [f]. Cicero in his Oration againſt Verres ſays, that the Sicilians paid only the tenth of their wine and oil; which ſhews plainly that this impoſt was not uniform in all places alike.

4. The ſhepherds and herdſmen, as well of large as of ſmall cattle, paid a certain duty for each kind of their flocks and herds to the public farmer, that they might have the liberty of

rium conferuntur, ob quæ pauperes gravantur, coguntur-que fœnore pecunias ſumere, levius impoſterum feratis, volo omnium bona cenſeri, & unumquemque pro cenſu facultatum ſuarum conferre, ut in optimè inſtitutis civitatibus fit. Juſtum autem & Reipublicæ utile exiſtimo, ut qui multa poſſident, multa conferant; qui vero tenuibus ſunt facultatibus, pauca.

[d] *L.* 4. *C.* 2. *l.* 1. *ff.* Si ager vectigalis.

[e] *Ibid.*

[f] *Appian, Bell. civil.* l. 1. c. 2.

leading

leading them to paſture. This duty, according to Feſtus, was called *Scriptura*; and the field in which they grazed was called *Scripturarius ager*. It is what the French now call *Paiſſons & Pannage*.

5. No lands whatever were exempt from this real Taille [g]. The Emperor Diocleſian laughs at a Philoſopher, who petitioned him for the favour of ſuch an exemption; ſo that no condition or age, no tenderneſs or favour of children, nor any conſideration of ſex excuſed any body from theſe burdens or duties incident to lands. They even evicted the Imperial families, and the Churches themſelves, out of lands which they legally enjoyed and had fairly purchaſed, if they did not pay the Taille [h]. There is an expreſs deciſion of the Emperor Leo to this purpoſe. Gratian, Valentinian, and Arcadius revoke all immunities in this caſe which had been formerly granted; and ſtrictly forbid the procuring, and even the pretending to any for the future, under pain of being burnt [i].

What is ſtill more remarkable is, that the very lands of the Emperor himſelf were ſubject to this tax [k].

The lands of the Churches too paid this Talliage; as the Emperors Theodoſius and Valentinian ſignify to Taurus, the *Præfectus Prætorii* [l].

[g] *L.* 2. *C.* De munerib. patrim.
[h] *L.* 8. *C.* De exactor.
[i] *L.* 11. *C.* De immunit. nemini conced.
[k] *L.* 15. *C. Tit.* 47. *l.* 10.
[l] *L.* 2. *Cod. Tit.* De quibus muner. nemini liceat ſe excuſare.

The

The exemptions which were obtained by any to excuſe them from paying it, were deemed null, and ſtood them in no ſtead [m].

If any perſon did not pay the Taille, they proceeded to ſell the ground on which it was laid; and if the debtor had only a part of a cloſe, the officers of the Imperial Exchequer ſold it all entire; putting afterwards the price of the part which belonged to the debtor into the Emperor's coffers, and reſtoring the overplus to the other proprietor, according to the Ordinance of Alexander Severus, which was afterwards enacted into a law by Conſtantine [n]. The real Talliages were liable to no preſcription, and the lands were ſold if the Taille laid on them was not paid [o].

The Emperor or his particular Exchequer was paid and ranked for the arrears that were owing, preferably to all other creditors: and this was the order and method obſerved in that reſpect. The Exchequer fell in the firſt place upon the principal debtor or his ſecurity, and in the ſecond place (on ſuppoſition of their inſolvency) upon the *third Detainer*, as the Civil Law ſtiled a perſon who had in his hands any effects of debtors which had been before engaged to another [p]: for, according to the great Civilian Paulus, the Exchequer could bring an action againſt the debtor of a perſon that was indebted to the Prince, who on that

[m] *L.* 3. *Tit.* De muner. patrim.

[n] *L.* 12. & 6. *Cod. lib.* 10. *Tit.* De fide & jure haſtæ fiſcalis. *L. unic. C.* De vendit. rerum fiſcalium. *L.* 1. *C.* De cap. & diſtrah. pignoribus.

[o] *L.* 3. *C.* De præſcript. triginta vel quadraginta annorum.

[p] *L.* 1. *C.* De conven. fiſci debitoribus.

account

account had acquired a tacit kind of mortgage upon all his effects: but could not conſtrain either the debtor's debtor or the third detainer, till after having diſtreined upon and ſold the effects of the principal in the obligation [q]. Godefroy hath very well obſerved, that in this reſpect the Exchequer had leſs favour ſhewed it than private creditors [r].

In ſhort, the obligation *in ſolidum*, (by which, as in a common bond, each ſingle perſon is obliged to pay the whole debt for all the parties) was prohibited in point of the Taille: and the Emperor Zeno ſays, it claſhes both with the Civil Law and with natural equity, that one man ſhould be proſecuted for the debts of another [s]. The reaſon of this is plain enough; becauſe the real Taille is annexed to the thing, is incident to the land, and is proportioned to the quality and quantity thereof; but the caſe is not the ſame with regard to the perſonal Taille, where it is very poſſible for fraud to intervene, either by ſome miſtake of the charge in the rolls of aſſeſſment, or through the fault of the aſſeſſors, or elſe on the part of the collectors, who may be either negligent or inſolvent; and in this caſe it is always ſuppoſed that there is a fraudulent combination among all the perſons ſubject to the Taille, which of courſe infers a perſonal fraud, and obligeth them all and every one to make good the loſs and damages.

[q] *L.* 47. *ff.* De jure fiſci.
[r] *Sup. Leg.* De conv. fiſci debit.
[s] *L. un. Cod.* Ut nullus vicaneus pro alienis vicaneorum debitis teneatur.

The

The Emperor Theodoſius granted the Church of Theſſalonica an exemption from the Taille, with a prohibition of extending it to any other lands under their name [t]. It is very probable that this was after he had put to the ſword ſeven thouſand of the inhabitants of that city, for having mutinied and killed one of his Lieutenant-generals in the tumult.

There were ſome Provinces and Towns, in which a compoſition was made for the Taille [v].

Theſe Tailles were impoſed by officers, called *Cenſitores*, *Peræquatores*, *Inſpectores*: they were properly ſpeaking aſſeſſors. They wrote down in the Tax-roll or Terrier the names of the proprietor and tenant of the territory or diſtrict, the butts and boundaries of the land, the number of acres, and the quality thereof; they ſpecified whether they were arable lands, or vineyards, olive-plantations, meadows, foreſts, copſes, ſalt-works, ponds, ports, *&c.* [u] But the proprietors were obliged to declare and give an account of all theſe particulars, as is practiſed to this day in France in ſurveys and the writings between the landlord and tenant, and to pay the Taille at the office of the Receiver for the diſtrict where the lands were ſituated [w].

Theſe officers were empowered to make allowances and abatements, when the lands were damaged or leſſened in their value [x]. They

[t] *C.* 14. De annon. & tributis.
[v] *Ulp. l.* 1, 2, 3. *ff.* De cenſib.
[u] *Cod.* De cenſibus & cenſitoribus.
[w] *Ulp. l.* 4. *ff.* De cenſibus.
[x] *D. L.* 4. §. 1. *L.* 3. *C.*

were

were likewiſe authoriſed to diſpoſe of lands that were waſte, deſart, untilled and unoccupied, to whom they thought fit, and to make their aſſeſſment in ſuch a manner, that the barren lands ſhould be made up or compenſated by the fruitful ground, the ſtrong carrying the weaker [y].

If it happened that the proprietors or occupiers of lands had cut down their vines, and impoveriſhed their grounds, in order to obtain an abatement of the tax, they were puniſhed [z]. The Emperors Gratian, Valentinian, and Theodoſius provided againſt this practice, and gave orders about it to Eutropius the *Præfectus Prætorii.*

If theſe aſſeſſors, out of favour to any farmers, eaſed them in their tax, the goods of the proprietors were confiſcated, and they underwent the penalty of paying four times the value of the ſum taken off the land; and if they laid the taxes too high, they were condemned to reſtore fourfold [a]. This is the penalty ordered by Arcadius and Honorius.

The poſſeſſors of eſtates that were overcharged had the liberty of complaining within a year, in order to be relieved [b]: minors who had nobody to defend their cauſe, and perſons employed for the ſervice of the State, had time allowed them till they could act for themſelves; but in the mean while they were to pay by proviſion the rate which had been aſſeſſed on their eſtates. The Emperor Con-

[y] *L.* 4. *C.* De cenſibus.
[z] *L.* 2. *C.* De cenſibus.
[a] *L.* 6. *Cod.*
[b] *L.* 5. *C. eod.*

ſtantine, in conſideration of the payment of their ordinary Taille, diſcharged them purely and ſimply of what they had been over-rated, in order to eaſe the tich [c].

Such as were concerned in the collecting and receiving of this tax, if they kept the money ariſing thence in their hands, or diverted it to any other purpoſe, were ſubject to the penalty of paying four times its value, and were rendered incapable of that employment for the future [d]. Huſbandmen however were not allowed the liberty of removing from the Pariſh or Collection in which their abode was ſituated, without the Emperor's licenſe [e]; and when they got his permiſſion to do ſo, the lands that they held in the diſtrict which they had quitted, were incorporated into the public Demeſne; the relations which they had upon the place having no right to ſucceed to them [f]. This is the deciſion of the Emperor Dioclesian.

If the officers of the Exchequer ſold an eſtate for the quit-rent's being in arrears, or if it was diſpoſed of and adjudged to any body out of favour, a third perſon was admitted to demand an adjudication of it to himſelf, upon his paying the true and full value of the land at the Receiver's office [g].

It muſt be obſerved, that theſe levies and aſſeſſments were ſettled and laid every year, and were called *Indictiones* [h]: but Theodoſius

[c] *L.* 1. *Cod. eod.*
[d] *L.* 8. *Cap.* De jure fiſci.
[e] *L.* 12. *C.* De ſuſceptoribus.
[f] *L.* 4. *C.* De jure fiſci.
[g] *L.* 3. *C. ibid.*
[h] *Plin. jun.* Epiſt. ad Trajan.

the

the Great, as Cedrenus relates, or Conſtantine, according to Onuphrius, ordered them only to be made once in every fifteen years.

Theſe indictions or aſſeſſments were charged only upon lands, and never upon perſons [i]; and nobody could be charged with them higher than in proportion to the amount and value of the eſtate he poſſeſſed.

The Emperors Honorius and Arcadius declare, as hath been already obſerved, that it is an ordinary charge, and that nobody could be exempted from it, whatever privilege he had to alledge or produce [k].

This real Taille was ſometimes increaſed and raiſed to an higher rate than uſual; and this additional charge was called *Superindictum* [l]. It was paid like the ordinary Tailles, provided it was ordained and ſettled by the Emperor, without which the people of the Provinces were not obliged to it.

It was ſtrictly forbidden to exact more of ſuch as were ſubject to this tax, than was charged upon them or came to their ſhare, on pain of reſtitution of double the ſum wrongfully exacted to the ſufferers: this was the penalty for the firſt offence, but in caſe of a ſecond, the puniſhment was capital [m]. Before this Ordinance of Arcadius and Honorius, the Emperors Conſtantine II. and Julian the Apoſtate had condemned the exactors to reſtore four-fold [n].

[i] Indictiones non perſonis, ſed rebus indici ſolent. *Diocl. & Maxim. l.* 3. De Ann. & Tributis.

[k] *L.* 1. *C.* De indictionibus.

[l] *L. un. C.* De ſuperindicto.

[m] *L. un. C.* De ſuperexaction.

[n] *L.* 8. *C.* De exact. muner.

The Emperor Leo V. afterwards by his ſixth Ordinance regulates the penalties incurred by ſuch as exacted more than they ought. For the firſt time he condemned them to double the ſum exacted; for the ſecond offence to pay four times its value; and for the third, to the forfeiture of half their effects and eſtate.

This Taille upon lands was not laid equally in all the Provinces [o]; Italy was not charged ſo high as the reſt, as may be ſeen in Sigonius. Ulpian and Caius quote ſeveral examples, which evidently ſhew that the Emperors had gratified ſeveral Provinces with the ſame privileges as Italy enjoyed [p]. It is likewiſe out of all queſtion, that the ten Provinces which Auguſtus left to the People of Rome, according to Suetonius and Dio Caſſius, were much more heavily rated than the eleven which he reſerved to his own immediate inſpection and adminiſtration; ſince Tacitus in his Annals, to expreſs how Tiberius Cæſar had eaſed Achaia, ſays, that he freed it from the load of the Proconſular government [q]. Now the Provinces aſſigned to the People were called *Tributariæ* and *Proconſulares*; and thoſe kept in the Emperor's hands were diſtinguiſhed by the name of *Stipendiariæ:* theſe laſt were governed by Preſidents of the Emperor's appointment, and the others by Proconſuls.

The Taille was not paid in all places in the ſame ſpecies of money [r]: there were ſome lands that paid it in gold, others uſually in

[o] *Lib.* De jure Italiæ & Provinciarum.
[p] *L.* 1 & 8. *ff.* De Cenſ.
[q] Achaiam Proconſulari imperio levavit.
[r] *L.* 1. *C.* De argenti pretio quod theſauris infertur.

ſilver,

ſilver, and ſome in braſs. The Emperors Arcadius and Honorius, by a Law of the Code, give leave for the receiving it in gold from ſuch as were taxed to make their payments in ſilver, provided they paid five ducats of gold for every pound of ſilver.

This Taille incident to lands was ordinarily paid at three terms, *viz.* on the firſt of September, the firſt of January, and the firſt of May [r]. This cuſtom was particularly eſtabliſhed by a Declaration of the Emperor Anaſtaſius, in which he leaves the Armenians their choice of paying either in this manner, or in the way they had uſually done, that is to ſay, at two half-yearly payments [s]. The Theodoſian Code preſcribes the very ſame regulation [t]; and from thence it comes, that the acquittances which the Receivers of the Taille uſed to give to the poſſeſſors or occupiers of eſtates, were ſtiled *Quadrimeſtres breves*; becauſe they were given for a four months aſſeſſment. There is likewiſe a paſſage to be ſeen in Caſſiodorus, which confirms this uſage, and entirely removes all the difficulties that might otherwiſe be raiſed on the ſubject. It is an Imperial regulation directed to an officer employed in collecting and receiving the real Taille, and enjoining him to make all perſons pay it regularly at three terms, without allowing them any farther delay [u]. No retroſpection was

[r] *L.* 1. *C.* De militari veſte.
[s] *C.* De Annon. & Tributis.
[t] *L.* 15, 16. *Tit. eod. L.* 1. §. 2. *C.* De Apochis.
[u] Admonemus ut trina illatione devotus poſſeſſor conſtitutis temporibus ſuam compleat functionem, ita ut ceſſet venalis illa dilatio, quæ non ad tributariorum compendia,

was allowed beyond the three laſt years; ſo that whoever produced acquittances for thoſe years could not be proſecuted, or have any demand made upon him on pretence of arrears antecedent to that time [w].

The ſilver or gold that was levied, was put into the hands of the Receivers [x], who are ſtiled ſometimes *Suſceptores*, and ſometimes *Exactores* or *Perſecutores ærarii*. The law did not allow them to offer an exception *non numeratæ pecuniæ*, or to plead that they had not received the money, when the land-holders produced their acquittances.

There were generally two Receivers in every diſtrict or collection; which the Romans called *Metrocomia* [y].

The acquittances which the Receivers gave, were paſſed before public Notaries, who are ſtiled *Chartularii*; and they contained the day of payment, the name of the perſon charged to the Taille, the month, the year, and the cauſe or reaſon of the payment, which is properly ſpeaking a *libelled* or declarative acquittance [z]. Theſe Receivers had ſome inferior officers depending upon them; as Caſhiers, who are ſtiled *Arcarii*; Comptrollers, who were called *Tabularii*; and Clerks to draw up and diſpatch the acquittances, who went likewiſe by the name of *Chartularii*.

ſed ad fraudis ambitum cognoſcitur exquiſita. Nam qui de hujuſmodi onere ſublevare dicunt, aliud majus pondus abominabilis nundinationis imponunt. *L.* 11. *c.* 7.

[w] *L.* 3. *C.* De Apochis.

[x] *L.* 4. *C.* De exactoribus & ſuſceptoribus.

[y] *L.* 1. *C.* Non luere habitat. Metrocomiæ. *L.* 8. De exactoribus, *&c.*

[z] *L.* 1. §. 2. *C.* De Apochis.

As

As ſoon as they had received either gold or ſilver, they were obliged to ſend it immediately to the General Office of Receipt of the Province. The Emperors Honorius and Theodoſius enjoined the ſame thing ſtill more expreſsly [a].

Beſides theſe Receivers, there was ſent every year into each Province of the Empire, an officer of the Imperial Houſhold, called *Canonicarius*, to uſe compulſory ways of payment, if any body were in arrears. A month after the term was expired, an officer ſtiled *Compulſor* was ſent to force the inhabitants to pay; and had authority to diſtrein upon ſuch as were indebted for paſt arrears, to condemn them to fines or amerciaments, and to levy upon them the fees due to him for his time in the journey, as well as his travelling charges [b]. But this cuſtom was aboliſhed by the Emperor Juſtinian [c].

CHAP. III.

Of various other real Charges, which the Romans laid upon Lands.

BEſides the impoſition of the Taille, the proprietors or occupiers of lands were obliged to furniſh every year a certain quantity of corn for the magazines, the military

[a] *L.* 7. *C. eod. L. un. C.* De ærarii publici perſeq. *L. un.* De officio Comitis ſacrarum largit.
[b] *L.* 9. §. 1. *C.* De exactor.
[c] *Novel.* 128.

men, and the ſtore-houſes [a]. This impoſt or duty was termed *Annona Militaris:* and theſe kinds of contributions and levies of corn were an ordinary charge, from which nobody had a privilege of exemption.

Such as lived neareſt to the magazines on the frontiers, or to the public ſtore-houſes, were obliged to carry them thither [b]. Theſe ſtore-houſes were called *Manſiones.* They were not to be made but at convenient and ſmall diſtances from one another; and whenever they could make them more conveniently by water than by land, either upon the ſea or upon rivers, they were obliged to take that method, on pain of a capital puniſhment to be inflicted upon ſuch as infringed this Ordinance [c].

Neither the lands of the Miniſters or Counſellors of State, nor thoſe of the military men, nor even thoſe of the Emperor himſelf, were exempted from theſe impoſitions of corn, which were made as beſt ſuited to the convenience of places [d]; ſo that ſuch as could not make their payments in money, were ſometimes admitted to pay in proviſions [e]; and from thence were ſtiled *Tranſlati:* as in like manner thoſe that could not pay in proviſions, were allowed to pay in money, and for that reaſon were called *Adærati.*

The Clerks or officers that received theſe contributions of corn were called *Opinatores* [f].

[a] *C.* De Annon. *L.* 5 & 7. *C. eod.*
[b] *L.* 6. *C. L.* 8. *C. eod.* & *L.* 2. *C.* De Lucris.
[c] *L.* 9. *C.* De Annonis.
[d] *L.* 3. De Diſcurſoribus.
[e] *L. un. Cod.* De collat. donat. & tranſlatorum.
[f] *L.* 1. *C.* De exactione & tranſlat. militar. Annonarum.

There

There were likewiſe ſome officers appointed for the keeping of this corn, called *Actuarii*.

There was no houſe whatever exempt from carriage and making ammunition-bread: the Emperors Arcadius and Honorius refuſe ſuch an exemption to the very lands of their own Demeſne [g]. This corn and bread were put into granaries and magazines, from whence they made every year a diſtribution thereof among the ſoldiers.

The Romans likewiſe laid other impoſitions of bacon, mutton, vinegar and wine; the diſtribution whereof was by the Emperor Conſtantius ordered to be made in this manner [h]. They gave the military men for two days one after the other a certain quantity of biſcuit, called *Panis buccellatus*; and on the third day a proportion of ordinary bread; one day they diſtributed wine, and the next vinegar; one day bacon, and the two days following mutton.

They impoſed in like manner a quantity of hay upon the poſſeſſors of lands; but thoſe who were ſubject to this contribution were not obliged to carry it to the camp [i].

The keepers of the magazines and ſtores were termed *Actuarii*, becauſe they were obliged to keep a regiſter of all the various kinds of proviſions; and were, within thirty days after they were brought into the ſtores, to deliver an exact account thereof, ſpecifying the quantity of corn, and the rations of bread, and of all the ſeveral kinds of proviſions that were

[g] *Ibid. L.* 2.
[h] *L.* 1. *C.* De erogatione militaris Annonæ.
[i] *L.* 8. *C. eod.*

in the magazines [k]. These Rolls or lists of provisions were called *Pittacia.*

They furnished also straw to the soldiers; and they were not bound to go and fetch it at a greater distance than a mile [l].

In favour also of the military men, a moderate rate was set upon the provisions proper for them, always something under the current price, and called *Stellatura* [m].

The landed men in the Provinces were likewise bound to furnish cloaths to the soldiers, which were to be delivered in the winter quarter, *viz.* from the first of September to the first of April, that is to say, before the beginning of the Campaign [n]. This kind of imposition was regulated in such a manner, that twenty heads of families or twenty ploughs furnished a suit of cloaths. There was however a variation in this rule, according to the different Provinces.

If there were any overplus or remainders of these provisions and cloaths, the officers of the magazines sold them at the current rate of the market, and not upon the foot of the original price and value at the time they were laid in; because sometimes the purchase thereof had been very moderate. These remains of munitions were called *Species resistentes, & annonæ vacantes* [o].

If they thought it would be more convenient, either for the soldiery or the inhabitants,

[k] *L.* 5. *C. eod.*
[l] *L.* 2. *C. eod.*
[m] *Alciat. on the Law* 11. *C.*
[n] *L.* 1. *C.* De militari veste.
[o] *L.* 12. *C.* De erogatione.

to

to convert the cloathing, provisions, and other munitions into money, it was done accordingly [p]. The practice of this conversion was called *Adærare*. In consideration of these contributions, strict orders were given to all the officers and soldiers of the armies, forbidding them to molest, injure, or abuse the inhabitants, to demand money or relief of them in their marches or passing from one place to another, or to compel them to furnish them either with wood for firing, with mattresses for their bedding, with oil and nice sort of meats for their eating, or with any other kind of perquisites and gratifications [q].

Besides these burdens, the inhabitants of the Provinces were subject to the quartering of the soldiers [r], and were obliged to furnish them with houses to lodge in, which were called *Metata*; as the harbingers that distributed and marked them out, were stiled *Metatores*.

There were however several kinds of persons that were exempt from this charge of quartering soldiers; as the Physicians of Rome, the great Artists, Painters, and other people distinguished by their talents and endowments [s].

In order to be excused and discharged from this lodging of soldiers, they paid certain taxes called *Epidemetica*, as Alciatus interprets the word [t].

[p] *L.* 19. *C.* *L.* 4. De milit. veste. *L. un. C.* De collatione donatorum.

[q] *L.* 5. *C.* De erogat. militaris Annonæ.
L. un. C. De Salgamo militibus non præstando.

[r] *L.* 1. *C.* De Metatis, & *L.* 2. *C. eod.*

[s] *L.* 8 & 9 *C.*

[t] *C.* De Metatis & Epidemeticis.

These

Theſe quarters, accommodations, and munitions of various kinds were given not only to the ſoldiery, but likewiſe to the officers that were ſent by the Emperors into the Provinces [v]; which coſt always a great deal of money, more eſpecially in the caſe of the Proconſuls. Cicero, on this account, urges it in the way of reproach to Piſo, that his journey into Macedonia had coſt the inhabitants of the places through which he paſſed above two hundred and fifty thouſand pounds: and Civilis made uſe of this pretext to incenſe the Hollanders, and engage them to make an inſurrection againſt the Romans [u].

Moreover, ſeveral towns were obliged to provide and maintain public horſes and chariots, which were made uſe of by the Magiſtrates, and by Governors of Provinces and places, when they went to take poſſeſſion of their poſts, or returned from thence [w]. The Emperor alſo with his equipage and retinue made uſe of them on occaſion: and there was no houſe, not even of the Emperor himſelf, nor of the Church, that had any privilege of exemption in this reſpect [x]. But nobody travelled in this manner without a ſpecial order from the Emperor, called *Tractatoria* [y].

There were alſo ſome Provinces, that were particularly ordered to furniſh a certain quantity of horſes: this was the caſe of the Pro-

[v] *L.* 12. *C. eod.*

[u] *Tac. Hiſt.* l. 4.

[w] *L.* 9. *C.* De curſu publico, Angariis, & toto titulo.

[x] *L.* 21. *C. eod. L. unic. C.* De Tractatoriis.

[y] *It muſt be obſerved, that theſe duties or charges in the laſt law* De Muneribus & Honoribus, *are ranked among the perſonal charges.*

vince

vince of Guelderland, which made it break out into a revolt [z].

The people of Frizeland were obliged to furniſh hides or leather. This impoſt, which was not very conſiderable, was laid upon them by Druſus [a].

The Hollanders maintained a certain number of troops, and ſupplied alſo a quantity of arms [b].

There was likewiſe a contribution of money laid upon the occupiers of lands for the providing of carriages, which was paid in gold, and not in ſilver: but the farmers or tenants of the Emperor and of the Roman Senators were exempted from it by the Declaration of the Emperors Conſtantine and Conſtans [c]. This duty went by the name of *Aurum Temoniacum* or *Tyronicum*, as the learned Cujacius obſerves.

There was alſo an impoſition either of money or of days-works for the building of public edifices; from which all the Senatorial Order were exempted [d]. A great many other perſons had got themſelves diſcharged from it, but all their privileges of exemption were revoked by Conſtantine the Second.

The Emperors Arcadius and Honorius explain themſelves in the following manner upon this ſubject, in a reſcript directed to the Governors and Magiſtrates of the Provinces.

[z] *Tacit.* l. 4.

[a] Tributum iis Druſus modicum juſſerat pro anguſtiâ rerum, ut in uſus militares coria boum penderent. *Tacit. Annal.* l. 4.

[b] Batavi viros tantùm & arma miniſtrant.

[c] *L.* 4. *C.* De dignitatibus.

[d] *L.* 7. *C. eod. L.* 1. *C.* De operibus publicis.

We

We declare that the Conſuls, the Magiſtrates, and the inhabitants of cities and towns are bound to erect new walls, or to fortify the old ones [e]; *and that the ſum which the charges of the works may amount to, ſhall be levied upon the lands of private proprietors, according to the number of acres, regard being however had to the fertility and barrenneſs of the lands, and the ſtrong helping to bear the weaker.* This impoſt was called *Adſcription*, and extended no farther than the territory of the town, where they were making theſe public works.

Before the reign of the Emperor Zeno, the Governors uſed to make an account of this money to be given in to themſelves, and took a *ſiliqua* in a *ſolidus*, near ten *per Cent.* for their pains in this reſpect: but that Prince expreſsly forbad them to take this perquiſite, and ordered that for the future the Receivers ſhould paſs their accounts before the Magiſtrates at the Town-houſe [f].

The Emperor Valentinian, ſeeing that the Governors exacted days-works from people more than were due by law, gave orders to his Lieutenant-general to oppoſe and put a ſtop to the practice. It was chiefly the Governors of ſtrong places that tormented the country-people exceedingly in this reſpect [g].

Beſides theſe duties, the Emperors laid particular impoſitions upon the moſt fertile Provinces (as on Egypt, Sicily, and Africa) of a

[e] *L.* 12. *C. eod.*

[f] *L. un. C.* De ratiociniis operum publicorum.

[g] *L. un. C.* Ne operæ à Collat. exigantur.

L. 1 & 2. *C.* Ut Ruſticani ad nullum obſequium cogantur.

great

great quantity of corn for ſupplying the granaries and ſtorehouſes of Rome, Conſtantinople, and even of Alexandria; part of which was diſtributed *gratis* to the common people, eſpecially at Rome. Theſe contributions of corn were ſtiled *Annonæ Civiles*, becauſe they were deſigned and applied to the ſubſiſtence of the citizens [h].

Aurelius Victor ſays, that Auguſtus drew out of Egypt above three millions ſix hundred thouſand buſhels of corn: and Hegeſippus relates, that this country alone ſupplied victuals for all the people of Rome a third part of the year [i]. St. Jerome writes, that Ptolomy Philadelphus raiſed every year upon that kingdom fifteen millions of buſhels of corn [k]. The chief employment of the Governor of that Province conſiſted in taking care to levy theſe contributions of corn, and to ſend them to Rome, or to Conſtantinople, after the ſeat of the Empire was transferred thither. The other Provinces of Africa contributed double to what Egypt did; which amounted to above ſeven millions ſix hundred and fifty thouſand buſhels [l]. Joſephus repreſents Agrippa as ſaying, that Africa ſupplied the people of Rome with food for nine months in the year.

There were ſome crews of mariners and of ſeamen appointed to carry this corn to Rome [m]. They were puniſhed capitally, if they did not keep the uſual courſe; the Judges

[h] *L.* 1. *C.* De Annonis Civilibus.
[i] *L.* 2. *cap.* 9. De Excidio Hieroſol.
[k] *Upon the ninth chapter of Daniel.*
[l] *Aurel. Victor.*
[m] *L.* 7. *C.* De Naviculariis.

and Magiſtrates of places, if they did not take care to make them ſet out in proper time and place, were puniſhed with the confiſcation of their goods and eſtates; and the maſters of the ſhips were baniſhed [n]. They were forbidden in the ſtricteſt manner to trade with this corn.

No veſſels under twenty tun could be exempted or excuſed on any account whatever from ſerving as tranſports to carry this corn [o].

The Emperors Arcadius and Honorius forbid, under pain of death, the loading of theſe ſhips with any other goods, merchandiſe, or commodities whatſoever [p].

If the ſhips ran aground or ſtranded on any coaſt, the inhabitants of the country were obliged to lodge the corn in the public ſtore-houſes, till the firſt opportunity that offered of ſending it away. If they were wrecked, a particular account was drawn up of the ſhipwreck, and after a due inquiſition into the matter according to the forms of law, was authenticated by the Judge, and certified within the year [q]. After the expiration of that term, it was no longer receivable, and they were obliged to make good and pay the loſs: if the accident happened through the fault of the officers of the ſhip, the goods of the company and body of the ſeamen were anſwerable for the damage ſuſtained [r].

[n] *L.* 8. *C. L.* 4. *C. eod.*
[o] *L.* 2. *C.* De navibus non excuſandis.
[p] *L. un. C.* Nequid onere publico imponatur.
[q] *L.* 2. 3. 5. *C.* De naufragiis.
[r] *L.* 6. *C. eod.*

The

The Emperor Theodoſius calls this tranſport of corn by the name of *Felix Embola* [f].

When this corn was lodged in the magazines of Rome, they valued it at a moderate price for the purchaſe of ſuch as did not receive any *gratis*. Aſconius Pedianus ſays, that Clodius, when he was Tribune of the People, in order to gain their favour on his ſide againſt Cicero his enemy, ordered all the quantity of corn that had been thus bargained for, to be delivered to the purchaſers without payment.

CHAP. IV.

Of the Perſonal Taille, or Poll-Tax.

AMONG the Romans there was a diſtinction made of two kinds of Tributes or Taxes; the tribute of the ground, and that which was laid in the nature of head-money [a].

The perſonal Taille or Poll-Tax was uſually impoſed in the countries which they conquered, as appears from ſeveral paſſages in Livy. It was not uniform in all the Provinces of the Empire [b]. What number of heads ſoever there were in a houſe or family, they were all ſubject to this tax, and muſt be paid for, without any exception of ſex, *viz.* the males from after the age of fourteen, and

[f] *L.* 2. *C.* De navibus non excuſandis.

[a] Cenſus ſive Tributum aliud prædii, aliud capitis. *L.* 1. *ff.* De muneribus.

[b] *L.* 1. 3. *& ult. ff.* De Cenſibus.

the females from twelve years till they were ſixty-five. This diſtinction of age however was hardly obſerved any where but in the Province of Syria; for in other countries they paid this tribute of Head-money from the time of their birth till that of their death. This tax was not laid alike in all places and at all times. Appian writes that Pompey the Great impoſed upon the people of Syria and Cilicia an annual contribution of the hundredth part of their revenue. As for the Jews, the Emperor Hadrian loaded them with exceſſive taxes. Joſephus, Zonaras, and Xiphilinus relate, that Veſpaſian laid upon them two drachms an head, payable at Rome to Jupiter Capitolinus.

Joſephus, ſpeaking of Egypt, ſays, that every perſon in that country paid Head-money; and it appeared by the rolls of this tax, that there were ſeven hundred and fifty thouſand men that paid to it, without reckoning in this number thoſe of Alexandria, who might amount to about an hundred thouſand.

Strabo obſerves, that Egypt alone paid ſeven millions five hundred thouſand pounds a year to the father of the famous Cleopatra [c], and about twice as much to Auguſtus Cæſar. This Taille therefore amounted to fifteen millions under the Roman government. Agrippa, in Joſephus, repreſents to the Jews, that Egypt, beſides the vaſt quantities of corn it was obliged to furniſh, paid more contributions in a month, than all Judæa paid in a year [d].

[c] *Lib.* 17.
[d] *Lib.* 2. De excid. Hieroſolym.

Velleius

Velleius Paterculus ſays, that the Gauls paid ſtill more than Egypt did: but Hiſtorians contradict one another upon this ſubject. Suetonius and Eutropius relate, that Julius Cæſar impoſed upon them only one million: but Juſtus Lipſius pretends, that there is an error in the text, and that it ought to be read four millions. Auguſtus Cæſar raiſed theſe impoſts a great deal higher.

If we conſider it upon the like footing in other countries, what ought Aſia, Spain, Greece, Illyria, and ſo many other Provinces to pay? Juſtus Lipſius computes, that this Taille exceeded one hundred and fifty millions a year.

The inhabitants of towns were exempted from this tribute by Conſtantine the Great, provided however that they were Roman citizens [e].

The Emperors Diocleſian and Maximian declare expreſsly, that the huſbandmen and farmers paid this impoſt [f]. In great extremities the Romans doubled it, or cauſed two years to be advanced at once.

Appian relates, that the Romans had laid tributes on all the Provinces of Aſia, from the Helleſpont to the Euphrates [g].

Plutarch in his Life of Pompey writes, that this great Conqueror laid impoſts upon all the people of Aſia, to the amount of eight millions a year.

Appian ſays, that Sylla made them advance five years at once; ſo that ſeveral towns, to

[e] *L.* 1. *C.* De Capitatione civium cenſibus eximenda.
[f] *L.* 1. *C.* Ne Ruſticani ad ullum obſequium devocentur.
[g] *Mithrid.* c. 1.

avoid being ill-treated and abuſed by the ſoldiery who made theſe levies, were forced to ſell and mortgage their theatres, their town-houſes, their ports, their walls, and other public places [h].

The ſame author relates further, that Mark Anthony exacted from the people of Aſia the tribute of ten years in a ſingle one, which amounted to near an hundred millions; reproaching them with having raiſed and paid to Brutus and Caſſius the very ſame ſum within the ſpace of two years [i].

CHAP. V.

Of Confiſcations and Fines.

THE goods and eſtates of perſons condemned either to death, to perpetual baniſhment, or to the mines, were confiſcated [a]. The income which aroſe from this kind of revenue could not but be very conſiderable, conſidering the vaſt extent of the Empire, the great number of people condemned, the rigorous prohibition of petitioning for the confiſcations of ſuch as were found guilty of high treaſon, and the regulation by which it was provided with regard to the other crimes ſubject to this penalty, that all the grants which

[h] *Mithrid.* c. 7.

[i] *Civil Wars*, l. 5. c. 1.

[k] Damnatione bona publicantur, cum aut vita adimitur, aut civitas, aut ſervilis conditio irrogatur. *Calliſtrat. L.* 1. *ff.* De bonis damnatorum.

the

the Emperors ſhould make of the confiſcations of the criminals eſtates, ſhould be null [b]. Such grants however, as the Prince thought fit to make of his own proper motion, and for which no application by way of requeſt or ſollicitation was made to him, were ſtill valid [c].

This cuſtom laſted till the time of the Emperor Juſtinian, who by *Novelle* 124. enacted, that excepting the caſe of high treaſon, the goods and eſtates of perſons condemned for all other crimes ſhould belong to their relations in the aſcending and deſcending lines, as far as the third degree [d]; that their wives ſhould come upon theſe very eſtates, and recover the portions and eſtates they brought in marriage, their dowers, or the other profits of their ſurvivance; and that if the wife had not brought her huſband any fortune at all, ſhe ſhould only be entitled to the fourth part of his confiſcated eſtate.

The effects and eſtates of perſons Proſcribed were confiſcated in like manner [e]; and when it was for the crime of high treaſon, all perſons who had any effects of the criminals in their hands, or any knowledge thereof, were obliged to give in an information of the ſame within two months, or eight at fartheſt, under pain of forfeiting four times the value. Appian atteſts this to be the uſual practice, in the account he gives of Sylla's proſcriptions,

[b] *L.* 1. 2. *C.* De petitionibus bonorum ſublatis.
[c] *D.* §. 1. *L.* 2.
[d] *Novell.* 117. c. 5.
[e] *L.* 11. *C.* De bonis proſcript. *Civil Wars*, l. 1. c. 12. & l. 4. c. 3.

and in reckoning up the great number of perſons proſcribed, who were the victims of the Triumvirate.

The eſtates of ſuch as killed themſelves after an accuſation had been brought againſt them, and antecedently to their condemnation, were alſo confiſcated [f]: but if they had made away with themſelves before the accuſation was brought, their eſtates were not liable to any claim of the Exchequer. It was nevertheleſs neceſſary that ſuch *Felos de ſe* ſhould be accuſed of ſome crime that was puniſhable by law with the penalty of confiſcation, before their eſtates could be ſeized on account of their ſuicide [g]. If there was any difficulty in the judgment or determination of the matter, the confiſcation did not take place. The Emperor Antoninus ſays likewiſe, that if the heirs are able to bring proofs to juſtify the memory of the deceaſed, there ſhall be no confiſcation [h]: and Adrian maintained the heirs in the enjoyment of the eſtate and effects of a father, who had killed himſelf upon being accuſed of having taken away his ſon's life.

The goods and eſtate of a perſon that bribed or corrupted his accuſer, if the crime charged upon him was capital, and his life lay at ſtake, were not confiſcated; though the bribery and corruption were never ſo clearly proved and verified: for the confiſcation on this account did not take place, except in the caſe of

[f] *L.* 3 *ff.* De bonis eorum qui ante ſententiam vel mortem ſibi conſciverunt, vel accuſatores corruperunt. *L.* 1. *Cod. eod.*

[g] *D. L.* 1. §. 1.

[h] *Ibid* §. 8.

crimes,

crimes [i], the legal puniſhment of which was either a perpetual baniſhment, or a penal ſervitude.

It muſt nevertheleſs be ſtill obſerved, that the confiſcation was not always rigorouſly inſiſted on or exacted in all theſe caſes; for Tacitus relates, that ſuch as prevented the executioners by laying violent hands on themſelves, had the rites of a funeral, which were uſually denied to ſuch as forfeited their eſtates, and their teſtaments were executed [k].

With regard to ſuch as were recalled from baniſhment or from working in the mines, though they were thus exempted from thoſe penalties, yet their eſtates which had been confiſcated were not thereby reſtored to them, but continued ſtill in the hands of the Exchequer; and if an exiled perſon procured Letters to reſtore him [l], he could only recover part of his effects and eſtate [m].

[i] *L.* 1. *ff. eod.*

[k] Promptas ejuſmodi mortes metus carnificis faciebat, & quia damnati publicatis bonis ſepultura prohibebantur, eorum qui de ſe ſtatuebant, humabantur corpora, manebant teſtamenta, pretium feſtinandi. *Annal.* l. 3.

[l] *L.* 3. *Cod. eod.*

[m] In Inſulam deportati bona fiſcus, pœnâ remiſſâ, retinet, *ſays Papinian*, *L.* 6. *ff.* De ſententiam paſſis & reſtitutis.

CHAP. VI.

Of the Crimes which were puniſhable with a Confiſcation of Eſtate.

THE eſtates of perſons guilty of high treaſon were confiſcated [a]. Now the overt-acts which inferred a guilt of this nature among the Romans, were much the ſame as are deemed high treaſon at this time in France. All were deemed criminal in this reſpect, that made any attempt or formed any deſign againſt the life of the Prince, that treated with the enemies of the State, that levied troops, that conſpired or contrived the death of the Miniſters of State, that calculated the nativity or drew the horoſcope of the Prince in order to do him ſome miſchief or work upon him by inchantments, and that excited the people to an inſurrection or revolt.

Some Emperors were minded to extend this crime likewiſe to ſuch as judged caſes and pronounced ſentences contrary to their Ordinances; but this was not received, nor ever paſſed into a law. Evil Princes extended it even to words [b], which had ever till their time paſſed with impunity [c]: but Theodoſius the Great re-

[a] *L.* 5. *C. ad Legem Juliam,* Majeſtatis.
L. 1. *ff. L.* 5. *C. eod. L.* 7. *G.* De Maleficis & Mathematicis, *&c.*

[b] *L. unic. C.* Siquis Imperatori maledixerit.
L. 28. §. 1 *ff.* De pœnis, *&c.*

[c] Facta arguebantur, dicta impunè erant. *Tacit.*

jected

jected all accusations of this kind. Deserters were burnt alive, and the authors of seditions were condemned to be thrown to wild beasts.

A flatterer of Tiberius Cæsar charged one Roman citizen with high treason, for having sold a garden in which there was a statue of Augustus Cæsar; and accused another of the same crime for having swore falsly by the name of the said Emperor. As for the first it was decided, that without any offence against Religion, they might sell the statues of the Gods, as they sold the houses and gardens of which they were appurtenances: and with regard to the second case, it was determined, that it should be left to the Gods, as it was their business, to revenge the injuries offered to the Gods [d].

There wanted not other informers that brought the same charge and accusation against such as had made encomiums upon the enemies of the State; as happened in the case of Cremutius Cordus [e], to whom it was objected as a criminal matter of this kind, that he had given in his History great elogiums to Brutus, and had called C. Cassius the last of the Romans.

The authors of scandalous and defamatory libels either against the State, or against those that governed it, were likewise attainted of this crime [f]: such as published or spread them, such as found them in the streets and did not

[d] Contra Religiones non fieri, quod Numinum simulachra venditionibus hortorum & domorum accederent. —— Deorum injurias Diis curæ.

[e] *Tacit. Annal.* l. 4.

[f] *L.* 1. *C.* De famosis libellis.

burn them immediately, were deemed worthy of death. Before the time of Auguſtus Cæſar, the State was ſatisfied and thought it ſufficient to make anſwers to theſe libels, and ſo prevent their ill effects; and that Emperor was the firſt who made it a crime of high treaſon [g], though he ſtill pardoned words. Suetonius however, in his Life, expreſſes the contrary [h].

This crime of high treaſon was an inexhauſtible ſource for the revenue in the times of Sylla and Marius, under the Triumvirate, and in the reigns of Caligula, Heliogabalus, and the other tyrants of the Empire [i].

Tiberius Cæſar underſtood very well how to make his advantage of it, or, properly ſpeaking, how to abuſe it; but he always employed it, rather to get rid of his enemies and ſuch perſons as he ſuſpected, than to get their eſtates.

There was ſomething very particular, and indeed ſingular in this crime: it was, that an accuſation might be brought againſt a man for it after he was dead [k], and that the bare deſign or will to commit it, though not followed by any action, was puniſhable [l]; which never took place with regard to other crimes.

This crime became extremely common, through the ſhameful abuſe of accuſations, and

[g] Primus Auguſtus cognitionem de famoſis libellis ſpecie læſæ majeſtatis tractavit. *Tacit. Annal.* l. 1.

[h] *Ch.* 51 & 55.

[i] *Appian, Salluſt, Herodian.*

[k] *L.* 8. *C. ad L. Juliam*, Majeſtatis.

[l] Eadem enim ſeveritate voluntatem ſceleris quàm effectum puniri jura voluerunt. *L.* 5. *C. eod.*——Cogitationis pœnam nemo patitur. *Ulpian, L.* 18. *ff.* De pœnis.

the

the deteſtable profeſſion of a *Delator* or *Informer*; which having been ever unknown before, was introduced into Rome together with Tyranny [m].

The crime of Parricide was always puniſhed with the confiſcation of all the effects and eſtate of the criminal [n]: but this crime, ſo extraordinary in its nature, muſt be placed in the ſame rank as monſters, which are ſo much the more rare, as they are more ſhocking and horrible [o]. There was however in the reign of Tiberius found a ſon ſo unnatural, as to accuſe his father of having deſigned to kill the Emperor, and raiſe an inſurrection againſt him in Gaul: and Appian mentions a monſter like this, who went along with the ſerjeants or guards of the Triumvirs, to ſhew them the place where his father lay concealed, and looked on whilſt they murdered him in his preſence [p].

By the Cornelian law, the effects and eſtates of murderers were confiſcated [q]; and this law took in likewiſe ſuch as aſſiſted or were acceſſories in the murder. It comprehended alſo poiſoners, incendiaries, ſuch as carried forbidden arms about them in order to kill any body, Magiſtrates that ſuborned witneſſes and accuſers for the getting an innocent perſon to be condemned falſly; ſuch as juſtified a murder, ſuch as made others eunuchs, or ſuffered

[m] Delatores genus publico exitio repertum per præmia licebantur. *Tacit. Annal.* l. 4.

[n] *L. unic. C.* De iis qui parentes vel liberos occiderunt.

[o] Miſeriarum ac fævitiæ exemplum atrox. *Idem.*

[p] *Bell. Civil.* l. 4. c. 4.

[q] *L. Cornelia*, De Sicariis.
L. 1. *ff. eod. & paſſim in Codice.*

themſelves to be made ſo; ſuch as uſed ſorcery and witchcraft; all ſuch as circumciſed their children, except the Jews; ſuch as expoſed their ſlaves to combats againſt lions and other wild beaſts; and, in fine, women that deſignedly made themſelves miſcarry.

The caſes in which the killing of a man was not attended with the confiſcation of the murderer's eſtate, were, 1. When the manſlaughter was involuntary. 2. When a man killed another purely in defending his own perſon. 3. When he killed a robber, eſpecially a night-robber. 4. An huſband that killed his wife, having caught her in adultery, was only ſent away to a diſtant place for a time, if he was a man of faſhion and credit; but if he was a mean and obſcure perſon, he was baniſhed for ever [r]: it was however allowed to kill a wife taken in the very fact.

Adulterers were alſo puniſhed with death [r], and conſequently with the confiſcation of all their effects and eſtates; at leaſt from the time of the Emperor Alexander Severus. The managers, goers between, and agents in bringing about and carrying on that infamous commerce, were comprehended in this law. Such as married a woman convicted of adultery and ſentenced for the ſame, and ſuch as debauched widows or maidens forfeited half of their eſtates.

[r] *L.* 1 & 5. *C. L.* 2 & 3. *C. L.* 4 & 5. *C. L.* 1. § 5. *ff.* &c.
[r] *L.* 9. §. 1. *ff. C. ad Leg. Jul.* De Adulteriis. *L.* 29. *ff. eod. D. L.* § 1. *L.* §. 2.

Such

Such as ſeduced a girl under twelve years of age, incurred the penalty either of baniſhment or of penal ſervitude [t].

Sodomites were puniſhed with great ſeverity, and ſuch as lent their houſes for the carrying on of any lewd and ſcandalous commerce, underwent the ſame puniſhments as were inflicted on adulterers [v].

Auguſtus Cæſar put ſeveral perſons to death for having debauched his daughters [u].

Forgers of deeds and writings were puniſhed with death, when they were of a ſervile condition; and if they were freemen, with perpetual baniſhment and confiſcation of their eſtates [w].

Such as incurred the penalties of the Cornelian law *de Falſis*, were in the firſt place, ſuch as made falſe teſtaments and the like fictitious deeds, or cauſed them to be drawn up and made by others.

2. Such as took money, and were hired to ſerve for witneſſes.

3. Such as bribed the Judges or witneſſes.

4. Falſe witneſſes.

5. Such as broke open the teſtaments of perſons before they were dead [x].

6. Perſons entruſted with the keeping of the writings and evidences of a party in any cauſe, if they communicated them to the adverſe party.

[t] *L.* 18. §. 1. *ff.* De pœnis.
[v] *Papinian, L.* 8. *C. eod.*
[u] *Suetonius in Auguſt.*
[w] *L.* 1. §. *ult. ff. de leg. Cornel.* De falſis.
[x] *D. L.* 1.

7. Such

7. Such as in writing the laſt will of any body, put down themſelves for legacies [y].

Lampridius however relates, that the Emperor Adrian did not proceed to execute the rigor of this law, but contented himſelf with the cutting off of the fingers of a perſon guilty of forgery.

Falſe coiners ſuffered the penalty of this law, as to confiſcation of their effects, as well for having filed, clipped, or altered, as for having counterfeited the coin. It took in likewiſe ſuch as did not prevent this practice when it was in their power to do ſo, and ſuch as put off and vended falſe money [z]. The lands and houſes of perſons where it had been coined were alſo confiſcated.

The Emperor Conſtantine the Great declares falſe coiners to be guilty of high treaſon, and condemns them to be burnt alive [a].

Whoever changed his name with any ill deſign in view, underwent the rigor of this law; but excepting the caſe of fraud, it was allowable for all perſons to change their names at pleaſure [b].

Such as ſuppoſed children were likewiſe ſubject to the penalties of this law; and in this caſe no time whatever could introduce a preſcription, and ſave the guilty from proſecution and puniſhment [c].

Such as offered any violence to others, without carrying arms about them, forfeited

[y] *L.* 4. *C. eod.*
[z] *L.* 9. §. 1, 2. *ff. L.* 1. *C.* De falſa moneta.
[a] *L.* 2. *C. eod.*
[b] *L. un. Cod.* De mutatione nominis.
[c] *L.* 1. *C. eod. L.* 1. §. 1. *ff. L.* 19. §. 1. *ff.*

only

only a third part of their eſtates: but if they had weapons about them when they committed the violence, they were ſentenced to a perpetual exile, and all their eſtate was confiſcated [d].

This penalty was alſo incurred by thoſe that exacted new impoſts, with an armed force, by their own authority.

The eſtates of ſuch as committed rapes upon maidens, widows, virgins conſecrated to Religion; as alſo the effects of thoſe that accompanied them in the enterprize, or harboured, lodged, and entertained them in their houſes, were confiſcated; and their perſons moreover were puniſhed capitally [e].

The eſtates of ſuch as were convicted of ſacrilege, of robbing the treaſury, and embezzling the public money, were alſo confiſcated; but in the laſt caſe five years was enough to create a preſcription, and ſave the embezzler from puniſhment [f].

Such as kept the public money in their hands, and made uſe of it for their own profit, were condemned to make reſtitution, and pay a third part of the ſum ſo diverted over and above by way of fine [g].

Such as being employed in a poſt committed any exactions, were baniſhed, and ſentenced to an amerciament, which was often four times the value of the ſum that had been exacted irregularly and unjuſtly from people [h].

[d] *L.* 10. §. *ult. ff. ad L. Jul.* De vi publ. *L. ult. ff. eod.*
[e] *L. un.* §. 2. *C.* De raptu Virginum.
[f] *L.* 9. *ff. ad L. Jul.* Peculat. *&c.*
[g] *L.* 4. §. *eod.*
[h] *Novel.* 159. *L.* 7. §. 3. *ff. ad Leg. Jul.* Repetundar.

Extor-

Extortioners were ſometimes puniſhed according to the *Cornelian Law*, by which they were ſubjected to have their eſtates confiſcated [i].

Such as bribed to get into offices, and purchaſed ſuffrages, were fined an hundred crowns of gold [k].

Plagiaries were alſo generally condemned to the mines, and their eſtates confiſcated [l].

Prevaricators that uſed colluſion, and betrayed a cauſe or truſt, ſuffered ſometimes the loſs of all their whole eſtate, and ſometimes only of a moiety [m].

Such as diverted, miſapplied, or embezzled the aſſets and eſtate of a ſucceſſion, were ſometimes condemned to very heavy fines; for it was a criminal affair. Cheats likewiſe that ſold or mortgaged a thing twice over, or by a falſe title, were treated in the ſame manner [n].

Such as formed ſocieties and combinations, and aſſembled multitudes of people together without the Prince's permiſſion, were ſentenced alſo to ſevere fines [o].

Subaltern Judges, in country villages, called from their not being allowed ſeats at the hearing of cauſes, *pedanei*, were, when guilty of bribery and corruption, puniſhed with the loſs of their eſtates, and baniſhment [p].

[i] *L.* 2. *ff.* De concuſſione. *L.* 3. 8. 5. *ad L. Cornel.* De ficariis.

[k] *L. un. ff. ad L. Jul.* Ambitûs.

[l] *L. ult. C. eod.*

[m] *L.* 6. *ff.* De Prævar. *L.* 38. §. 8. *ff.* De pœnis.

[n] *L.* 3. *C.* De crimine expilatæ hæredit. *L.* 3. §. 2. *ff.* Stellionatus.

[o] *L.* 1. §. *L.* 2. *ff.* De Collegiis.

[p] *L.* 28. §. 10. *ff.* De pœnis.

There was a fine of ten pounds of gold laid upon ſuch as violated the ſepulchres of the dead; one of fifty pounds upon ſuch as hindered the interment of deceaſed perſons; and a confiſcation of a third part of their eſtates was the penalty incurred by ſuch as beſet dying people, and teazed them in order to get their ſucceſſion [q].

All perſons likewiſe ſubject to the Taille forfeited their eſtates, if they changed their abode: and beſides this penalty, perpetual exile was decreed againſt merchants convicted of engroſſing commodities into their hands [r].

Such as enhanced and uſed arts to raiſe the price of corn, were puniſhed with heavy fines, and ſometimes corporally [s].

Falſe accuſers or ſlanderers were ſentenced to the ſame puniſhment as the perſon wrongfully accuſed would have undergone in caſe he had been found guilty upon their accuſation; ſo that their eſtates were often confiſcated [t].

There was a penalty of four times the value againſt ſuch as miſapplied and diverted the public money, againſt ſuch as borrowed money of perſons that were indebted or accountable to the State, and againſt the concealers and detainers of the effects of condemned perſons [u].

[q] *L.* 4. *C.* De ſepulch. violator. *L.* 6. *C. Novel.* 60. c. 1.
[r] *L.* 4. *C.* De jure fiſci. *L.* 1. §. 2. *C.* De monopoliis.
[s] *L.* 37. *ff.* De pœnis.
[t] *L. ult. C.* De calumniatoribus.
[u] *L.* 8. *C.* De jure fiſci.
L. 1, 2. *C.* De his qui ex publicis rationibus mutuam pecuniam acceperunt. *& L. ult.* De bonis proſcriptorum.

The

The puniſhment of ſmugglers that brought in prohibited merchandiſe, and ran contraband goods, was no leſs than capital, beſides the confiſcation of the merchandiſe, and a fine of thirty pounds of gold laid upon the governors of the places where it had been run. There was likewiſe a confiſcation of all their effects, and perpetual baniſhment denounced againſt ſuch as harboured and received any foreign merchants, without giving notice thereof to the Chief Director of the Commerce [w].

The carrying away of gold into foreign countries was prohibited under pain of death; and the merchants of Perſia were expreſsly forbidden to bring any merchandiſe on this ſide the river Araxes, under pain of confiſcation of the ſaid merchandiſe [x].

Such as levied more than was impoſed upon the people that were ſubject to the Taille, were condemned to make them ample reſtitution, by paying either double or elſe four times the value of the ſum wrongfully exacted; and ſometimes too all their effects were confiſcated [y].

The purchaſer of an eſtate or thing in diſpute, knowing the title to be bad or precarious, was condemned to reſtore it, and the purchaſe-money was forfeited to the Exchequer [z].

The farmers of exciſes, cuſtoms, duties of export and import, and of all other impoſts

[w] *L.* 14 & 16. *L.* 4. §. 1. *C.* De commerciis & mercatoribus. *L.* 6. *C. eod.*

[x] *L.* 2. *C. eod. L.* 4 § 1.

[y] *L. unic. C.* De ſuperexactionibus. *L.* 8. *C.* De excuſat. munerum, *&c.*

[z] *L.* 4. *C.* De litigioſis.

that

that had been laid irregularly and by violence upon any commodities or merchandiſe, were condemned to make reſtitution of double their value [a].

Confiſcation of goods was likewiſe denounced againſt ſuch as ſold purple without the Prince's permiſſion; againſt all that bought ſilks from foreigners; againſt ſuch as either ſold or bought the corn deſigned and appropriated for the people of Rome and the armies of the State; and againſt all that ſold arms to foreigners [b].

There was no confiſcation of merchandiſe decreed againſt ſuch as had not declared them through mere inadvertency or miſtake: they only paid double the ordinary duty [c].

Such as farmed lands under the Exchequer, if they tranſported or tranſplanted fruit-trees, were condemned to pay four times their value [d].

Whoever fraudulently and by artifice got any grant and received any thing from the Exchequer, was condemned to reſtore double its value [e].

If the Governors of Provinces did either in their own name, or by means of other perſons acting by their direction and in their behalf, purchaſe any lands within their governments, they might be demanded back by the ſeller,

[a] *L.* 1. *ff.* De Publicanis.
[b] *L.* 1. *C.* Quæ res venire non poſſunt, *&c.*
L. 2. *C.* Quæ res exportari non poſſunt, *&c.*
[c] *L.* 1. 16. §. *ff.* De Publicanis.
[d] *L.* 45. §. 13. *ff.* De jure fiſci.
[e] *L.* 46. §. 7. *ff.*

and the purchaſe-money was paid into the Exchequer [f].

Such as defrauded the treaſury of any of its dues, were condemned to reſtore fourfold [g].

Such as opened the teſtament of a perſon whilſt he was living, incurred the penalties of confiſcation of eſtate and baniſhment [h].

If a man cauſed any pillars or works of marble to be carried out of the town into the country to any of his eſtates, the eſtate was confiſcated [i].

There was an expreſs prohibition of pulling down houſes in order to ſell the ſtones, the marbles, and the pillars ſeparately, under pain of nullity of the ſale, and of double the price being paid to the Exchequer by the purchaſer. It appears nevertheleſs that this double was paid equally by the ſeller and the purchaſer [k].

The Magiſtrates that were commiſſioned to take care of the bringing in and receiving of the corn for the army, when it was not done within the year, were ſentenced to pay double [l].

The Commiſſaries of proviſions that had kept any of them to themſelves, were alſo condemned to pay double, the moiety whereof went to the Exchequer [m].

If any perſon engaged in a law-ſuit was convicted of having given money to the Judge

[f] *D. L.* §. 2. *L. unic. L. C. Tit.* 53.
[g] *D. L.* 1. §. *ult.*
[h] *L.* 38. §. 7. *ff.* De pœnis.
[i] *L. C.* De Ædif. privatis.
[k] *L.* 52. *ff.* De contrah. emptione. *L.* 4. §. 5, 6, 7, 9, 10, 11, 12, *& ff.* De legatis. *L.* 4. *C.* De Ædif. privatis, *L. ult.* De donat. inter virum & uxorem.
[l] *L.* 7. *C.* De exactoribus.
[m] *D. L.* 7.

in

in a civil affair, he was ſentenced to pay four times the ſum; and if it was in a criminal caſe, his eſtate was confiſcated [n].

Such as made appeals from the ſentences of the Courts of Judicature raſhly and cauſeleſsly, were condemned to pay fifty pound weight of ſilver [o].

The effects and eſtates of the chief and other Magiſtrates of towns, whenever they quitted their towns, were employed in defraying the charges of collecting the public money, if they did not return within the year [p].

The ſalaries and perquiſites due to officers deceaſed, belonged to the Exchequer [q].

All fines were to be carried to the Treaſury, as ſoon as ever they were received [r].

Such as gathered theſe fines, if they diverted any part of what was due to the Treaſury, were condemned to pay fifty pounds of gold to the Exchequer [s].

The Judges might condemn a *Barretter* who had loſt his cauſe to pay the coſts of ſuit, and to pay moreover ten *per Cent.* of the ſum to which the ſaid coſts amounted into the Exchequer.

The Serjeants or Bailiffs that let any perſons committed to their cuſtody make their eſcape, incurred a fine of ten pounds of gold [t].

The Judges were ſtrictly forbidden to mo-

[n] *Authentic.* Novo jure, *C.* De pœnis.
[o] *L.* 5. §. *ult.* Quorum Appellationes non recipiuntur.
[p] *L.* 5. *C.* De Decurionibus.
[q] *L.* 1. *C.* De Annon. & Tributis. *L.* 1. *C. Theod.* De Annonis civilibus.
[r] *L.* 1. *C.* De modo mulctarum.
[s] *L.* 13. §. 3.
[t] *L.* 2. *C.* De ſportulis.

leſt and oppreſs the people of the Provinces, under the penalty of a fine of fifty pounds of gold; and were enjoined to obſerve and keep to the Ordinances, on pain of paying ten pounds of gold for each infringement thereof [a].

CHAP. VII.

Of Eſcheats, or the Revenue ariſing from Succeſſions, and teſtamentary Legacies.

AUguſtus Cæſar firſt introduced this right, which was eſtabliſhed by the law *Papia Poppæa* [a]; and took in, 1. Every thing that was left by will, in the way of inheritance, or in truſt, as a donation on account of death, or by any other title whatever, to perſons living and capable of ſucceeding at the time of making the teſtament, but who chanced to die during the teſtator's life-time, or after his deceaſe before the opening of his will [b]. 2. Every thing that was left under any condition whatever which came to fail, and all legacies or inheritances that were renounced or not claimed by thoſe that had a right to receive and inherit them.

The Emperor Juſtinian ſuppreſſed this right, *becauſe*, ſays he, *it having been eſtabliſhed on occaſion of the Civil Wars, it is very reaſonable and proper to aboliſh it during the calm of*

[a] *L.* 4. §. 2. *C. N.* 112. *C.* 2.
[a] *Tac. Annal.* 3. *Dion Caſſius in Aug.*
[b] *Ulp. in Fragm.* 111. De Caduc. & *L. unic.* §. 2. *C.* De caducis tollendis.

peace;

peace [c]; expreſſing himſelf very finely on the ſubject in the following words: *What is generally beneficial to all, we deem preferable to our private intereſt; being in our Imperial way of thinking perſuaded, that the advantage of our ſubjects is our own particular advantage* [d].

3. Every thing that was left by will, on any account or by any title whatever, to perſons that lived in a ſtate of celibacy, was claimed by the Exchequer, if the legatees did not marry within an hundred days after the death of the teſtator; unleſs the unmarried perſon, if a man, was a minor not five and twenty years old, or if a female, under the age of twenty years [e]. This right of debarring batchelors from inheriting, was called the penalty of celibacy, and was introduced chiefly for two reaſons.

The one was, in order to bring money into the Prince's coffers; the other was, to oblige the men to marry, for the quicker repeopling of the Commonwealth, which had been extremely thinned and waſted by the civil wars of Marius and Sylla, of Pompey and Cæſar, of the Triumvirate, and of Anthony and Auguſtus [f].

The Emperor Conſtantine conſidering this uſage as contrary to the tenor of the Chriſtian Religion, thought fit to ſuppreſs it [g].

[c] *L. unicâ.*

[d] Quod communiter omnibus prodeſt, hoc privatæ noſtræ utilitati præferendum eſſe cenſemus, noſtrum eſſe proprium ſubjectorum commodum imperialiter exiſtimantes.

[e] *Ulp. ibid. Tit.* 13. De cœlibat. & orbit. *Cujacii Paratitla in Codice.*

[f] *Velleius Paterculus, Appian, Dion Caſſius.*

[g] *L.* 1. *C.* De infirmandis pœnis cœlibatûs.

Such as were married, but yet had no children, loſt half of what was left them by will, the other half eſcheating to the Exchequer [h]: but if they were charged to make it good to other perſons who were qualified to inherit, they took poſſeſſion of the whole, according to the opinion of *Javolenus* [i]. Beſides, if they had a ſon, or their ſon had died after attaining the age of fourteen, they had in this caſe too the whole. Conſtantine abrogated this right alſo.

When a huſband made his wife his heir, or gave her any thing by will; and when a wife made a like diſpoſition of her effects in favour of her huſband; if they had no children, they had only the tenth part of what ſhould have accrued to them by ſuch legacy; the other nine parts belonged to the Imperial Treaſury [k]. But in caſe they were minors, that is, the man under five and twenty, and the woman under twenty years of age; or if the man was above ſixty years old, and the woman turned of fifty-eight, they then had the whole. If they had children by another marriage, each child was worth a tenth to them, procuring them that further ſhare of the ſucceſſion. If they had by the ſame marriage a ſon or a daughter who had died after the ninth day, they got likewiſe another tenth on that account: if they had two children who had thus died after living nine days, they not only gained two tenths, but enjoyed alſo the uſe and profits of the reſt. But if they procured a faculty from

[h] *Ulp. Tit.* De cœlibat. & orbit.
[i] *L.* 42. *ff.* De Legatis. *Ulp. Tit.* §. 1 & 2.
[k] *L.* 2. *C.* De infirmandis pœnis cœlibatûs.

the

the Emperor, giving them the rights and benefit of children, they entirely cut off all demands and pretenſions of the Exchequer [l].

In caſe an huſband or wife died without heirs, the ſurvivor barred the Exchequer from any claim, and was qualified to inherit, in virtue of the Prætor's Edict [m]. But if they had never had any children, the ſurvivor took only the tenth, or ſeveral tenths, according to the number of children which he had by other marriages: and the Law *Papia* (whatever Godefroy may ſay of it) extended in this caſe to the ſucceſſion of perſons dying inteſtate, as is eaſy enough to be proved [n]. The Emperors Honorius and Theodoſius abrogated the claim of the Exchequer in this point, and gave the right of children to all married perſons in general.

Every thing that was left, in any manner whatever, to perſons undeſerving of ſuch kindneſs and liberalities, belonged alſo to the Prince's Exchequer [o].

1. An inheritance or ſucceſſion that fell to an heir who did not revenge the death of the deceaſed, devolved to the Exchequer, and the unworthy heir was obliged to refund the profits he had received out of the eſtate [p].

2. Whoever had let his wife die for want of care, was deemed unworthy of ſucceeding to her effects [q].

[l] *Ulp. Tit.* 15. De Decimis.
[m] *L.* 1. *C.* Unde vir & uxor.
[n] *Baſilic. l.* 45. *Tit.* 5. *L.* 1. *C.* De infirmandis pœnis cœlibatûs, & *L.* 1. *Cod.* De jure liber.
[o] *C.* De iis quibus ut indignis hæredit. auferuntur.
[p] *L.* 1. *C. eod.*
[q] *L.* 3. *ff. eod.*

3. Whoever had married a wife of the Province whereof he was Governor, was deprived and excluded from her ſucceſſion [r].

4. Whoever had diſpoſed of the eſtate and effects of one of his parents during the life and without the knowledge of ſuch parent, loſt all his right to the inheritance [s].

5. Whoever wrongfully charged a will with being forged, incurred the ſame penalty [t].

6. Whoever lent his name, in order to ſecure a legacy or truſt to a perſon incapacitated by law to receive it, was deprived of it, but with this difference however, that if he gave information of it himſelf, he only loſt a moiety thereof; and if the information came from another quarter, he loſt the whole; the legacies ſtill remaining valid [u].

7. An huſband that did not revenge the death of his wife, loſt her fortune, if ſhe had brought him any [v].

8. If a ſuppoſititious child ſucceeded to an eſtate, as ſoon as ever it was diſcovered that he was ſo, the eſtate and ſucceſſion devolved to the Exchequer [w].

Whoever had ſuppreſſed a teſtament, had hindered any body from making a will, or forced him to make one in his favour, ſo that he came to ſucceed to an eſtate by one of theſe

[r] *L.* 2. *ff.*
[s] *D. L.* 2. §. 3.
[t] *L.* 5. §. 1.
[u] *L.* 10. *ff. L.* 3. §. 4. *ff.* De jure fiſci. *L. unic. C.* De his qui ſe deferunt.
[v] *L.* 20. *ff.* De his quæ, *&c.*
[w] *L.* 46 *ff.* De jure fiſci.

three

three means, loſt all right to it, and the ſucceſſion fell to the Exchequer [x].

Women that married contrary to the laws, forfeited their dower, and all the advantages to which they would otherwiſe have been entitled: and all the effects and eſtates of ſuch as contracted inceſtuous marriages were confiſcated [y].

The Governors of Provinces, who either married themſelves within the diſtrict of their government, or ſuffered any belonging to them to marry there, were fined ten pounds of gold, beſides the nullity of the marriage [z].

Women that engaged haſtily in a ſecond marriage, before the year of mourning for their former huſband was expired, loſt every thing that was left them by will, all legacies, truſts, or donations on account of death which might fall to them: all belonged to the Exchequer, which claimed alſo, and obliged them to refund, whatever they had got by the teſtament of their firſt huſband and by their marriage-articles [a].

A widow that within the year of her mourning had a child by any body but her firſt huſband, was liable to the ſame penalty [b].

[x] *L.* 2. *ff. ad L. Cornel.* De falſis. *L.* 2. *C.* Siquis aliquem teſtari prohibuerit.

[y] *Authentic.* Inceſtas. *C. L.* 4. De inceſtis & inutilibus nuptiis.

[z] *L. unic. C.* Si quâcumque præditus poteſtate vel ad eum pertinentes, *&c.*

[a] *L.* 1. *C.* De ſecundis nuptiis.

[b] *Authentic.* eiſd. pœnis. *C.*

CHAP.

CHAP. VIII.

Of Eſtates that were vacant, and had no certain Proprietor.

THE eſtates of ſuch as died without heirs belonged to the Exchequer, excluſive even of the privileges of the towns, corporations, and private men that might have ſome claim to them, either by a long poſſeſſion, or by a particular privilege: but this did not take place, unleſs the heirs both on the father's and mother's ſide came to fail. Such inheritances however, if they had not been incorporated into the Demeſne, were preſcribable, and all the pretenſions of the Exchequer were barred by a poſſeſſion of four, or rather of forty years [a]. It muſt be obſerved likewiſe, that the huſband or wife excluded the claim of the Exchequer.

The effects and eſtates of foreigners, and of ſuch as had been given for hoſtages purſuant to treaties made with enemies, belonged alſo to the Exchequer [b]; and hoſtages could not make a will without the Prince's licenſe [c].

[a] *L.* 1. §. 2. *ff.* De jure fiſci. *L.* 1. *C.* De bonis vacantibus, *&c.* *L.* 4. *C.* *L.* 1. *C.* De quadriennii præſcriptione. *L.* 4. *C.* De præſcriptione triginta vel quadraginta annorum. *ff.* Unde vir & uxor.

[b] Divus Commodus obſidum bona ſicut & captivorum omnimoda in fiſcum eſſe cogenda reſcripſit. *Ulp. l.* 31. *ff.* De jure fiſci.

[c] *L.* 11. *ff.* Qui teſtamenta facere poſſunt. *Tacitus, Polybius, Appian, &c.*

Now

Now there was always a great number of hoſtages and priſoners of war among the Romans; for they never made any treaty, but they took hoſtages to inſure its being obſerved. This kind of confiſcation or eſcheat is called in France the *Droit d'Aubaine:* the Royal Demeſne aſſumes all the benefit of it, excluſive of private Lords of Manours, notwithſtanding the cuſtoms which prevail in ſome places, being founded on the law of the Emperor Commodus, whoſe regulation eſtabliſhed the practice here mentioned.

If the ſoldiers purchaſed any eſtates in the countries where they were employed in making war, they were confiſcated, becauſe it was a thing expreſsly forbidden them [a].

All kinds of merchandiſe ſubject to the payment of any duty were confiſcated [b], if they did not pay it, and were not declared at the offices of the Receivers of the Cuſtoms. Run goods and commodities that were ſmuggled, were ſtiled *improfeſſæ merces*; and the right of forfeiture in caſe of that illegal practice was called *Commiſſum* [c]. Merchandiſe belonging to the ſoldiers was not liable to ſuch forfeiture and ſeizure.

The hopes and proſpect of gain tempted informers and delators to look out for frauds and miſdemeanors of this kind, and to make a diſcovery thereof. We ſee in Appian ſeveral inſtances, where the accuſers had ſometimes all the confiſcation of the perſons condemned. Tiberius Cæſar was far from being inclined to

[a] *L.* 9. *ff.* De re militari, *&* *L.* 13. *ff. eod.*
[b] *L.* 3. De vectigal. & commiſſis.
[c] *D. L.* 3. *L.* 2. *C. eod.*

leſſen

leſſen their perquiſites and emoluments, alledging that they were the guardians of the laws [g]. Under the various Tyrants of the Empire, theſe public nuiſances and peſts of ſociety multiplied in an extraordinary manner, and made themſelves exceeding terrible. Tacitus deſcribes with energy the terror they inſpired in ſaying, *Every body dreaded for fear the very walls had ears.*

The delators or informers of run and forfeited goods, of eſtates eſcheated for want of heirs, of the effects of foreigners, of frauds and other things ſubject to confiſcation, had at firſt the half of the profits: but in Nero's time they were ſtinted to a quarter part; which gave occaſion to their being diſtinguiſhed by the name of *Quadruplatores*, ſo odious among the Romans [h].

If any man accuſed another falſly of a crime, the legal puniſhment whereof was the loſs of life, of the city, or of liberty, he incurred the ſame penalties of death, baniſhment, or ſlavery; beſides the confiſcation of all his effects [i].

In like manner, if the informers gave in falſe informations againſt any body, all their eſtates were confiſcated, and they underwent the corporal puniſhment of ſcourging: if they were in any poſts or employments, they were turned out immediately [k]. The Emperors Carus and Numerianus brand this kind of pro-

[g] *Tacit. Annal.* l. 4.
[h] *Suetonius in Nerone.*
[i] *C.* De accuſat. inſcriptionibus.
[k] *L. ult.* §. 10. *C.* De delatoribus.

ſeſſion

feſſion by the ſtile of *Execrable* [l]. The name of delator or informer was infamous; and if any one had called another an informer, he had an action againſt him, and might recover damages [m].

Every thing that came into any one's poſſeſſion by a lucrative title, (that is to ſay, by way of a teſtamentary heirſhip, or in the courſe of ſucceſſion to a perſon dying inteſtate) by way of legacy, truſt, donation on account of death, or donation and conveyance between living parties (except moveable goods) was ſubject to the payment of a duty which was impoſed upon all immoveables, and conſiſted in a certain quantity of gold charged by the acre. The Senators themſelves were not exempted from paying this duty [n].

The Senators paid ſeven hundred crowns of gold: but the Emperors Arcadius and Honorius ſuppreſſed this duty. Cujacius ſays in that place, and Godefroy after him, that this gold was called *Aurum Glebale*, when the ſeven hundred crowns of gold were exacted from the Senators; and *Aurum Coronarium*, when levied upon the Magiſtrates of towns; and that the Tradeſmen paid their duty in ſilver: which notion doth not ſeem to me to be well founded [o].

[l] Omnibus notiſſimum eſt eos *execrabiles* nunciatores eſſe qui fiſco deferunt. *L.* 4. *Cod.*

[m] *L* 3. *C.* De injuriis.

[n] *Theodoſ. & Valentinian. L. unic C.* De imponenda lucrativa deſcriptione. *L.* 4. *C.* De dignitatibus.

[o] *L.* 2. De prætoribus.

CHAP.

CHAP. IX.

Of Impoſts laid upon Merchandiſe and Proviſions.

THERE was an impoſt laid not only upon merchants and tradeſmen, but alſo upon all kinds of merchandiſe: and this all ſorts of perſons were obliged to pay; the very ſoldiers themſelves having no exemption in this reſpect any more than others [a]. This impoſt was at the rate of twelve and a half *per Cent.* and all the exemptions that were procured to be excuſed from paying it were of no effect, being declared null by the Ordinance of the Emperors Honorius and Theodoſius [b]. The third penny ariſing from all impoſts in general was annexed to the local charges and employments, except from ſuch as had from time immemorial belonged to the Emperor's Demeſne: the two other thirds were carried and paid into the Imperial Treaſury [c]. Now as I have already obſerved, all merchandiſe and commodities that were not declared either at the Collector or Receiver's office, or at the Cuſtom-houſe, ſpeaking in the language of our uſages, were liable to be ſeized, and being diſcovered were confiſcated: but this right of ſeizure and confiſcation was taken away by a preſcription of five years, if no ſuit had

[a] *L.* 7. *C.* De Vectigalibus & Commiſſis.
[b] *L.* 12.
[c] *L.* 13. *Cod.*

been

been carried on, nor proſecution made, on account of this right within that time; and if the merchandiſe or goods were no longer in being, or had not been concealed with a fraudulent deſign [d]. There was no cuſtom, exciſe or impoſt paid for ſuch merchandiſe or goods, as were bought for a man's own uſe, or for the uſe of the Prince and State: but all other goods were ſubject thereto [e]. Foreign ambaſſadors paid the duties for ſuch merchandiſe and proviſions as they brought from their own country, but were exempt from paying for ſuch as they carried home with them [f].

Soldiers were obliged to pay the duties as well as others: but yet if they could run or paſs their merchandiſe without carrying it to the Cuſtom-houſe or declaring it at the Collectors offices, they were ſo much favoured that it was not ſubject to confiſcation [g]. This peculiar privilege was granted them by the Emperor Severus and his ſon Caracalla.

There was alſo an impoſt upon certain beaſts that came from Egypt, but not upon all kind of cattle [h].

The Magiſtrates of Towns and Corporations had a power of laying ſome impoſts to provide for the neceſſities of thoſe particular places; and nobody could oppoſe or deny the payment of them: but however, before they could exert this power, they were obliged to apply for leave either to the Governor of the

[d] *Severus & Antonin. L. 2. Cod.*
[e] *L. 5. C. eod.*
[f] *L. 8. C. eod.*
[g] *L. 3. C. eod.*
[h] *L. 9. Cod.* See *Cujacius.*

Pro-

Province, or elſe directly to the Emperor himſelf[i]. This is obſerved likewiſe to this day in France: Towns and Corporations have no authority to lay any impoſitions upon themſelves without letters patents from the King; in conſequence whereof the ſums of money levied by ſuch impoſts are called *Octrois*, Grants.

The farmers of theſe duties upon merchandiſe were ſtiled *Octavarii*, ſignifying as it were, that they were farmers of the eighth penny. It is generally thought that the payment was at the rate of a ſhilling in the pound; and yet the Law which I have juſt quoted ſays the contrary.

This eighth penny was levied even upon the Eunuchs of the Palace; but the Emperor Leo forbad the farmers to receive it, as being a thing prohibited by the law of Conſtantine the Great[k]. If the officers employed in collecting theſe duties exacted any things for commodities and things that were exempted and ought not to pay, it was a capital crime, and they were puniſhed with death. If they levied any thing without the Prince's letters authorizing them to do ſo, they were obliged to make reſtitution: and ſuch as moleſted and oppreſſed the people of the Provinces were condemned to perpetual baniſhment[l].

The officers that levied theſe duties were called *Stationarii*, and were indeed ſoldiers[m].

[i] *L.* 10. *C. L.* 2 & 3. *C.* Veſtigalia nova non inſtitui poſſe.

[k] *L.* 1 & 2. *C.* De Eunuchis.

[l] *L.* 1. *C.* De veſtigalibus. *L.* 3. *C.* Veſtigalia nova.

[m] *D. L.* 5. *L.* 16. *D.* §. De publicanis & veſtigalibus.

There

There is in the Digeſt a ſmall book of rates of the things ſubject to this duty of the eighth penny; and theſe are ſeveral ſorts of ſpices and grocery ware, among others pepper: yet there is no manner of doubt to be made, but that all other kinds of merchandiſe were ſubject to this duty [n].

Julius Cæſar was the firſt that laid a duty on foreign merchandiſe [o]. The Romans carried on a very great traffick in India; and Pliny [p] relates, that they bought in that country every year to the value of above two millions of merchandiſe, upon which the merchants gained an hundred-fold their prime coſt and value. Now according to Strabo, theſe foreign commodities paid double duty, that is to ſay, both for import and export [q]; ſo that this impoſt afforded a conſiderable produce.

There was alſo a duty of entry that was paid at the gates of Towns, and called *Vectigal in porta*. A Toll was alſo paid at bridges, and on the high roads [r].

Herodian however ſays, that theſe duties were tyrannical impoſitions, and that they were aboliſhed by the Emperor Pertinax. However this was, it is certain that the merchants and tradeſmen who furniſhed goods for the Emperor's uſe, and proviſions for his houſhold,

[n] *Cod.* De Vectigal. & Commiſſis.

[o] Portoria peregrinarum mercium inſtituit. *Sueton. in Cæſare.*

[p] *Hiſt. lib.* 12. *L. ult. Cod.* 27.

[q] *Lib.* 17.

[r] Nec indignabitur ſapiens aliquid impendere ut limen tranſeat, cogitans & in pontibus quibuſdam pro tranſitu dari. *Senec.*

were not exempt from paying them [r]; and that nobody was diſpenſed with in that reſpect, unleſs it were the body of Mariners, called in the Civil Law *Navicularii* [s].

The farms of theſe impoſts were always adjudged and ſet to the higheſt bidder: the leaſes were uſually granted for three years at leaſt; and Varro ſays, that in ancient times they generally were made for five years. A man who in the heat of the auction and in the eagerneſs of bidding had offered the higheſt ſum, was not admitted to farm them, unleſs he gave good and ſufficient ſecurity for payment; and all the eſtates and effects of ſuch as owed any thing to the Imperial Exchequer on account of their farms, were bound to make it good [u]. Nobody was compelled to take theſe farms [v]: but if the farmers who had made great profits by their leaſes were for quitting them after their term was expired, and there offered no new tenants that would give as much, the old ones were obliged to continue their farm upon the ſame rent and foot as before [w]: and this regulation was very juſt and reaſonable. Farmers that were behindhand in their accounts, were not admitted to take a new leaſe of their

[r] *L.* 1. *C.* De commerciis.

[s] *L.* 6. *Cod.*

[u] *L.* 4. *C. L* 4. De Linguâ Latinâ. *Cujacius cap.* 14. De præſcript *L.* 3. §. 6. *ff.* De jure fiſci. *Paulus, L.* 9. *ff.* De Publicanis. *L. ult. Cod.*

[v] Ad conducendum vectigal nemo compellitur, & ideo impleto tempore conductionis elocanda ſunt. *D. L.* §. 1. *Calliſtr. L.* 3. §. 6. *ff.* De jure fiſci.

[w] Qui maximos fructus ex redemptione vectigalium conſequuntur, ſi poſtea tanto locari non poſſunt, ipſi ea prioribus penſionibus ſuſcipere compelluntur. *L.* 11. §. *ult. ff.*

farm,

farm, if they had not firſt cleared their accounts, and diſcharged the arrears of their former [x].

It was provided by law, that no perſons indebted to the Exchequer of the Prince or State, ſhould be admitted to take the farms, unleſs they provided ſubſtantial ſureties for paying as well what they owed upon their old leaſe, as what was to become due upon the new [y].

If the farmers did not make the payments ſtipulated by the articles of their leaſe, there was a remedy againſt them by evicting them out of poſſeſſion, vacating their farm, and forcing them to pay intereſt from the day that they came to be in arrears [z]. If there were ſeveral aſſociates concerned in theſe farms, each having his diſtinct ſhare in the management thereof, they might upon occaſion force one of their company to part with his ſhare in the adminiſtration [a].

All mercantile goods and commodities, as well ſuch as were liable to pay duty, as thoſe that were free and paid none, were equally ſubject to the regulation which required that

[x] Reliquatores vectigalium ad iterandam conductionem, antequam ſuperiori conductioni ſatisfaciant, admittendi non ſunt. *L.* 9. §. 2. *ff.*

[y] Debitores fiſci itemque Reipublicæ vectigalia conducere prohibentur, ne ex alia cauſa eorum debita onerentur, niſi fortè tales fidejuſſores obtulerint, qui debitis eorum ſatisfacere parati ſint. *Ibid.*

[z] Non ſolutis vectigalium penſionibus pellere conductores, necdum etiam tempore conductionis completo, vel ab his uſuras ex morâ exigere permittitur. *Hermogen. L.* 1. *ff.*

[a] *L.* 9. §. 4. *ff.*

they ſhould all be declared at the Cuſtom-houſe or the Receivers offices: and in defect thereof they were confiſcated, and might be ſeized even in the hands of the heirs of thoſe that had run them, who were obliged to make good the damage, and liable to the penalties of their predeceſſors fraud [b]. But if any body out of miſtake had not paid the duty, the farmers in ſuch caſe were to take up with double the ſum due [c].

Several things were exempted from theſe duties.

1. All the merchandiſe and goods that were deſigned for the Emperor's houſhold [d]; tho' merchants and tradeſmen that bought them either from the officers of the revenue or from the farmers, were ſubject to them [e].

2. Every thing that was bought for a man's own uſe, or for ploughing the ground [f]; inſomuch that nothing was paid for the ſlaves which people bought for their own ſervice [g].

3. All proviſions for ſupplying the army in war, and the ſtuffs deſigned for their cloath-

[b] Fraudati vectigalis crimen ad hæredem ejus qui fraudem contraxit, commiſſi ratione tranſmittitur. *Papin. L. 5 ff.*

[c] *L. 26. §. eod.*

[d] Fiſcus ab omnium vectigalium præſtationibus immunis eſto. *D. L. 9. §. 8.*

[e] *D. L. 1.*

[f] Univerſi Provinciales pro his rebus quas ad uſum proprium, vel exercendi ruris cauſa, invehunt, nullum vectigal à ſtationariis exigatur. *L. 5. Cod.* De vectigalibus. *Conſtantinus Imperator.*

[g] *L. 203. ff.* De verb. ſignificat.

ing.

ing [h]. Excepting theſe three caſes, every thing paid [i].

If a farmer had neglected to levy the duties upon any merchandiſe, commodities, or proviſions, his ſucceſſor in the farm might exact them; but this was not allowed him, in caſe the things did not ordinarily pay duty [k].

The Governors of Provinces were not authorized or allowed, without an expreſs order from the Emperor, to lay any new impoſts, or to new modify or alter old ones, either by augmenting or leſſening them [l].

Contraband goods paid nothing, becauſe the carrying and tranſporting them to foreign countries was forbidden on pain of death. Such were whetſtones, iron, corn, and ſalt [m]. It was alſo forbidden to carry gold thither out of the Empire. The Emperors Gratian and Valentinian recommend and even enjoin their ſubjects to carry off dexterouſly the gold they met with in foreign countries [n]. To the com-

[h] Res exercitui paratas vectigalium oneri ſubjici non placuit. *Jul. Paulus. Dig. L.* 9. §. 7. De Publicanis.

[i] Ea vero quæ extra prædictas cauſas, vel negotiationis cauſâ portantur, ſolitæ penſitationi ſubjugamus. *L.* 5. *C.* De vectigalibus.

[k] Earum rerum vectigal quarum nunquam præſtitum eſt, præſtari non poteſt, quod ſi præſtari conſuetum indiligentia publicani omiſerat, alius exercere non prohibetur. *Dig. L.* 9. §. 5.

[l] Vectigalia ſine Imperatoris præcepto, neque Præſidi, neque Curatori conſtituere, neque præcedentia reformare, & his vel adjicere vel diminuere licet. *L.* 10. *ff.* De Publicanis.

[m] Cotem ferro ſubigendo neceſſariam hoſtibus quoque venundari, ut ferrum, frumentum, & ſales, non ſine periculo capitis licet. *L.* 11. *ff.*

[n] *L.* 2. *C.* De commerciis. *L.* 2. *C.* Quæ res venire non poſſunt.

modities here mentioned may be added the ſilks, which it was forbidden to buy of the Barbarous nations, wines, oil, and ſeafiſh, the export of which into foreign countries was expreſsly prohibited [o]. The Emperor Martian declares ſuch as ſhould carry them arms to be guilty of high treaſon, and puniſhable accordingly. The Emperor Leo pronounces the ſentence of death againſt all that ſhould buy Eunuchs among the Barbarians; and forbids the farmers of the Cuſtoms on goods exported and imported to receive the duties for them, under pain of the ſame puniſhment [p].

There were parties of men placed and diſpoſed upon the high-roads and the ſea-coaſts, to hinder the entry and tranſportation of contraband goods [q]. It was likewiſe forbidden to ſell ſhips to foreigners, and even to inſtruct them how to build them, on pain of ſuffering the penalties of high treaſon.

The duties which we have been ſpeaking of, were called by different names. Thoſe which were laid upon goods exported or imported were ſtiled *Portoria*, becauſe they were uſually collected at the ſea-ports. The duties of entry, which were paid at the great paſſages, were called *Portaria*, becauſe they were received at the gates of towns, as Juſtus Lipſius hath obſerved in his Treatiſe of the Grandeur of the Roman Empire; and the general name of all theſe duties was *Vectigal*, *Vectigalia*.

[o] Ad Barbaricum transferendi vini, olei & liquaminis nullam quiſquam habeat facultatem, nec guſtûs quidem causâ, aut uſus commerciorum. *L.* 1. *Cod.* Quæ res exportari non poſſunt.

[p] *L* 2 *C.* De Eunuchis.

[q] *L unic.* De littorum & itinerum cuſtodia.

The

The perſons that farmed them were called *Publicans* [r]. Gratian, Valentinian, and Theodoſius call them *Octavarii*, becauſe they received the eighth penny of the value of certain commodities and ſorts of merchandiſe [s]. They paſſed alſo under the denomination of *Mancipes*, *Conductores*, *Redemptores Vectigalium*.

Theſe farmers were generally of the order of the Roman Knights, and the flower of the Commonwealth [t]. Titus Aufidius and Publius Rutilius raiſed themſelves from the farms, the latter to the dignity of Conſul, and the other to the Government of a Province.

Their Clerks and under officers however rendered themſelves exceeding odious, by exacting the duties with abundance of rigour, by taking frequently more than was due, and by confiſcating ſometimes things that were not liable to ſeizure or forfeiture. It was with the view of repreſſing their extortion and greedineſs, that the Prætor made an Ordinance condemning them to make reſtitution of double the value of what they had received irregularly and unjuſtly, if the party injured complained and demanded back his money within the year, and to the reſtitution of the bare duty or ſum received, if the complaint was not lodged till after the year was expired [u].

The complaints made of their inſolence were ſo very great and general, that Nero in that happy time of clemency with which he began

[r] Publicani dicuntur qui publica vectigalia habent conducta. *L.* 12. §. *ult. ff.* De Publicanis.
[s] *L.* 8. *ff.* De Vectigalibus.
[t] *Cicero, Orat. pro Pompeio & pro Plancio.*
[u] *Dig.* De Publicanis.

his reign, and which ſeemed to preſage ſo fine and glorious a futurity, propoſed to the Senate to ſuppreſs all the Cuſtom-houſes and duties upon goods either exported or imported. But the Senators put a ſtop to his zeal, by repreſenting to him that the State could not ſubſiſt without a conſtant revenue [v]. They thought it therefore ſufficient at that time, to order that the leaſes and dues of the farmers of the public revenue, which had always before been kept very ſecret, ſhould be publiſhed and poſted up in public places, ſo that all the world might know what they were to pay; that after the expiration of a year the farmers ſhould not be allowed to demand what they had neglected to take; that the Prætor at Rome, and the Governors in the Provinces ſhould take cognizance of their miſdemeanors, puniſh the guilty, and do juſtice to the ſufferers; and that the privileges and exemptions granted to the troops ſhould be religiouſly obſerved. They ſuppreſſed alſo the fortieth and the fiftieth penny.

If a ſhip laden with merchandiſe was forced by a ſtorm to put into ſome port and unlade there, the goods were not ſubject to confiſcation, though they had not been declared at the Cuſtom-houſes [w].

If a merchant had made his declaration at the office, and by conſent of the receiver or

[v] Eodem anno crebris populi flagitationibus Publicanorum immodeſtiam arguentis, dubitavit Nero, an cuncta vectigalia omitti juberet, idque pulcherrimum donum mortalium generi daret: ſed impetum ejus retinuere Senatores, diſſolutionem Imperii dicendo ſecuturam, ſi fructus quibus Reſpublica ſuſtineretur, diminuerentur. *Tac Annal.* l. 13.

[w] *L.* 16. §. 8 *ff.* De Publicanis.

officer

officer attending there, had not paid the duty for his goods, they were not liable to confiſcation or ſeizure; provided however that the effects of the farmers and their ſureties were able to ſatisfy the Exchequer and make good the damage [x].

If any body paid the farmers by miſtake, either more than was due, or for commodities and merchandiſe that ought not to pay any duty, they had a right to demand and recover what had been paid unduly [y].

To ſhew that theſe duties produced an immenſe revenue; Cicero accuſeth Verres of having made the farmers of the port of Syracuſe (who took only the twentieth, or five *per Cent.* on merchandiſes) loſe in ſome months fifteen thouſand livres: and an old Itinerary publiſhed by Arias Montanus ſays, that the markets and port of Conſtantinople brought in twenty thouſand crowns a day, which comes to one and twenty millions nine hundred thouſand livres a year.

It muſt be obſerved, that theſe duties were not uniform and alike in all places, nor with regard to all commodities and ſpecies of merchandiſe; for by a law of the Code it is ſaid to be twelve and a half *per Cent.*; whereas Cicero ſpeaks only of the twentieth part, or five *per Cent.* [z]; and Quintilian, who is followed therein by Symmachus, repreſents it as but two and a half *per Cent.*

[x] *Dig. L.* §. 12.

[y] Siquid indebitum per errorem ſolventis Publicanus acceperit, retro eum reſtituere Divi Severus & Antoninus reſcripſerunt. *Dig. L.* 26. §. *ult.*

[z] *L.* 7. De vectigalibus. *Orat. in Verrem.*

CHAP

CHAP. X.

Of ſeveral other Duties or Impoſts.

AUguſtus Cæſar exacted the twentieth part of all ſucceſſions, legacies, truſts and donations on account of death; unleſs the heirs, donees, and legatees were extremely poor, or very near relations of the deceaſed. He pretended to have found a Memoir about this impoſt among the papers of Julius Cæſar his adoptive father: but it was ſo very diſagreeable to the people, that fearing it might excite a ſedition, he wrote to the Senate to look out for ſome other expedient for raiſing the fund that was wanted, ſince the twentieth gave them ſo much diſcontent [a]. In fine, ſeeing that the Senate came to no reſolution upon the ſubject, he laid an impoſt upon all eſtates and houſes; which obliged the people to ſubmit to the impoſition and payment of the twentieth [b].

This revenue muſt certainly have been immenſe, ſince all the Romans made teſtaments.

The ſame Emperor exacted likewiſe the twentieth of the price of all ſlaves that were ſold [c]. Nero, under pretence of abrogating this impoſt, did nothing but confirm it, only eaſing the purchaſer at the expence of the ſeller: for whereas it was the buyer that paid

[a] *Dion Caſſius.*
[b] *Xiphilinus in Auguſto.*
[c] *Suetonius in Auguſto.*

the

the twentieth before, he ordered that for the future it ſhould be the ſeller [d].

Now as the greateſt part of the eſtates of the Romans, and their chief traffick conſiſted in ſlaves, this duty could not fail of bringing in a prodigious ſum. Tacitus relates, that Pedianus had above four hundred ſlaves [e]. Pliny mentions ſome private men that kept a much greater number of them. A grammarian named Daphnis was ſold, according to this author, for above ſeventy five thouſand livres: and Calvius Sabinus, as Seneca relates, coſt his maſter five and twenty thouſand livres [f]. True it is indeed, that Dion Caſſius doth not agree with Tacitus with regard to the quota or rate of this laſt impoſt; for he ſays, that it was only two *per Cent.* and was deſigned and appropriated for the pay of the Prætorian troops.

Auguſtus laid alſo another impoſt of one *per Cent.* upon all eſtates real and perſonal, all proviſions, commodities and merchandiſe that were ſold either wholeſale or by retale. The people petitioned Tiberius to eaſe them of this tax, but he refuſed to do ſo [g]. This fund, according to Tacitus, was appointed for the payment of the army.

[d] Vectigal quintæ & vigeſimæ venalium mancipiorum remiſſum ſpecie magis quam re, quia cum creditor pendere cogeretur, in pretium emptoribus accreſcebat. *Tacit.*

[e] *Annal.* l. 14.

[f] *Hiſt.* l. 1.

[g] *Annal.* l. 1.

CHAP.

CHAP. XI.

Of the Money which the Romans drew from their Enemies and from War.

WHEN the Romans had ſubdued nations, they were not always ſatisfied with carrying off their money and treaſures, but ſometimes ſold the people themſelves. This cuſtom is very often mentioned by Livy in his Hiſtory [a]: the money that accrued from thence was called *Captive Money*, *Captiva Pecunia*.

Such as had merited the ſmaller kind of Triumph, called *Ovation*, paid for that honour a duty which Livy calls *Argentum Bigatum*, in alluſion to the form of this triumph, in which the conqueror was carried in a chariot drawn only by two horſes abreaſt [b]. But we may form ſome judgment of the riches which their conqueſts brought in to the Romans, by the quantity of triumphal gold which appeared at Rome upon thoſe occaſions; that is to ſay, by the quantity of gold and ſilver which the conquerors made a parade of in the pomp of their triumphs; for they never entered the city in triumph, but they made a ſhew of the ſpoils and money taken from the enemy [c]. Now from the time of Romulus to the death of Auguſtus Cæſar, I find that there

[a] *Tit. Liv.* l. 10 n. 46.
[b] *L.* 5. *Id.*
[c] *Polyb. Tit. Liv. Dionyſ. Halicarn. Appian.*

were

were about three hundred and twelve triumphs.

Dionyſius of Halicarnaſſus relates, that Tarquin the Proud triumphed over the Sabines, and that he brought from the war to the value of fourteeen hundred thouſand livres of booty; beſides his having diſtributed ſixteen hundred ounces of ſilver to each ſoldier [d].

Papirius Curſor, who vanquiſhed the Samnites, brought back from his victory and carried in his triumph at Rome, three hundred ſixty-ſix thouſand ſix hundred livres, which were put into the Exchequer, nothing being given among the ſoldiers [e].

The triumph of Curius and Fabricius was ſet off likewiſe with a very rich booty [f].

In that of Scipio Africanus, after the conqueſt of Spain, there was, as Livy relates, a million four hundred thirty-four thouſand two hundred livres [g].

The ſame Scipio, after the defeat of Annibal, had in his triumph thirteen millions three hundred thouſand livres: and Appian, who takes a delight in deſcribing this triumph, aſſures us, that there was a prodigious quantity of gold and ſilver, part in bullion, and part coined: but he doth not ſpecify the ſum [h].

The ſame Appian ſays, that Scipio Naſica, after he had taken and deſtroyed Carthage, brought from thence and diſplayed in his tri-

[d] *L.* 4. *c.* 7.
[e] *Tit. Liv.* l. 10.
[f] *Id. ib.* c. 18.
[g] *Id.* l. 28.
[h] *Id.* l. 30. *Appian. Lybic.* c. 6.

umph

umph a conſiderable quantity of gold and ſilver [i].

Pliny the Hiſtorian relates, that the ſame Scipio, after the reducing of Numantia, gave twenty thouſand and eighty livres to every ſoldier [k].

The triumph of Paulus Æmilius, deſcribed by Paterculus, ſupplied the Treaſury with ſix and thirty millions. Though Pliny and Livy do not agree as to this ſum [l], yet Pliny aſſures us, there was ſo great a quantity of ſilver, that the People of Rome left off from that time to pay the Taille or ſubſidy upon land [m]: and Suidas relates, that there were found thirty millions of livres in the treaſures of King Perſeus.

The ſame Pliny writes likewiſe, that Sylla (after he had granted peace to Mithridates) brought out of Aſia two hundred and thirty thouſand marks of ſilver, and thirty thouſand marks of gold [n].

Paterculus, ſpeaking of Pompey's triumph after his Aſiatic conqueſts, ſays, that there was a greater quantity of gold and ſilver ſhewed in it, than had been ſeen in any former triumph, except that of Paulus Æmilius [o]: and Plutarch pretends that there was a great deal more than in this laſt. Appian writes, that

[i] *Ibid. c. ult.*

[k] *Hiſt.* l. 33. c. 11.

[l] *L.* 11. *c.* 3.

[m] A quo tempore populus Romanus tributum pendere deſiit.

[n] *L.* 33. *Appian. Mithrid.* c. 7.

[o] Magnificentiſſimum de tot Regibus per biduum egit triumphum, longèque majorem omni ante ſe, illatâ pecuniâ, præterquam à Paulo ex manubiis intulit.

Pompey

Pompey brought ten times ſeventy thouſand five hundred and ten talents of ſilver; which amounts to an immenſe ſum. The ſame hiſtorian relates, that Julius Cæſar carried in his triumph ſixty-five thouſand talents [p].

Beſides this triumphal gold, the Romans took likewiſe all the gold and ſilver they could from their enemies. Appian affirms, that Paulus Æmilius made all the gold and ſilver be thrown into an heap, which he had taken of the ſpoils of ſeventy towns and cities that he had reduced and ruined [q].

Sylla condemned and forced Mithridates to pay the charges of the war. Scipio Aſiaticus obliged Antiochus to pay down five hundred talents in ready money; two thouſand five hundred after the treaty was ratified by the Senate; and nine thouſand five hundred in twelve years [r].

Scipio Africanus made the Carthaginians reſtore to the Romans all that they had taken from them, or the value in money for things that were no longer in being: and obliged them beſides to pay two hundred Eubœan talents a year for the ſpace of fifty years [s]. There are an infinite number of other the like examples, which it would be too long to enumerate.

[p] *Mithridatic.* c. 16. *De Bell. Civil.* l. 2. c. 15.
[q] *Illyric.* c. 1.
[r] *App. Mithrid.* c. 6. *Id. Syriac.* c. 4.
[s] *In Lybic.* c. 6.

CHAP.

CHAP. XII.

Of the Money which the Romans drew from their Allies.

Of the Coronary Gold, or the Golden Crowns.

WHEN the Romans had gained any ſignal victory over their enemies, their Allies were uſed to ſend them preſents of Crowns of maſſy gold. Livy relates, that upon the Romans having vanquiſhed the Samnites, the Carthaginians ſent ambaſſadors to congratulate them on the occaſion, and preſent them with a golden crown that weighed five and twenty pounds [a].

After Cneius Manlius had routed and ſubdued the Galatians, ſeveral Kings and various People ſent him crowns of gold, each in proportion to their riches; and he received no fewer than two hundred [b].

Quintus Flaminus, upon his victory over Philip of Macedon and reſtoring liberty to the cities of Greece, was preſented with two hundred and fourteen [c].

Julius Cæſar received likewiſe on different occaſions eighteen hundred twenty two golden crowns, which weighed twenty thouſand four hundred and fourteen pounds [d].

[a] *Lib.* 7.
[b] *Tit. Liv.* l. 38, 39.
[c] *Idem*, l. 34.
[d] *Appian. Bell. civil.* l. 2. c. 15.

After

After the Emperor Claudius had reduced a conſiderable part of Great Britain under his ſubjection, the nations of Spain and Gaul preſented him with golden crowns of a very great value. Juſtus Lipſius, who corrects this paſſage, ſhews in endeavouring to rectify the text and reſtore the true reading of the hiſtorian, that the crown which was given by the hither Spain weighed ſeven hundred pounds, and the other nine hundred.

Theſe crowns of gold, according to the opinion of Feſtus, ſucceeded to thoſe of laurel, which were uſed before [e].

Cicero urgeth it by way of reproach to Piſo, that he had demanded and exacted ſome of theſe crowns irregularly and unjuſtly; and that it was not allowed for Generals of the army ſo much as to accept of them till the expiration of their command, in order to ſerve for a grace and ornament of their triumph. Dion Caſſius relates that ſeveral Generals, who had no juſt pretenſions in point of merit, did yet prevail with Mark Anthony and Auguſtus to grant them the honour of a triumph, in order to get preſents of crowns of gold under that pretext [f].

Theſe crowns, or this coronary gold, which in the beginning was perfectly free and voluntary, came after it had gained the credit and authority of cuſtom on its ſide, to degenerate into an impoſt and tribute.

[e] Triumphales Coronæ ſunt quæ Imperatori victori aureæ præferuntur, quæ priſcis temporibus propter paupertatem laureæ fuerunt.

[f] *L.* 49.

Auguſtus Cæſar, as Dion relates, gained the heart of the Italians by excuſing them from the charge of the gold which they were uſed to furniſh for theſe triumphal crowns: and Spartian obſerves, that the Emperor Adrian was much commended for having diſcharged Italy entirely from the ſame contribution, and leſſened the burden and expence attending it very much in the Provinces of the Empire.

Julius Capitolinus relates, that the Emperor Antoninus Pius reſtored to the towns and cities of Italy, all the coronary gold which they had preſented him by way of compliment on his adoption, and ſent back alſo half of the ſame gold to the Provinces.

We read in Ammianus Marcellinus, that the town and country of Tripoli ſent ſtatues of gold to the Emperor Valentinian. Suidas obſerves, that the Rhodians had no ſubſidy charged on their lands, and paid no Taille, becauſe they were an independent and ſovereign people: but they had a cuſtom of ſending every year a crown of gold by way of preſent to the Romans, conſidering them as their allies.

Procopius in his Hiſtory gives us an account, that Theodatus King of the Goths engaged himſelf to ſend the Emperor Juſtinian every year a crown of gold that weighed three hundred pounds [g].

Appian relates, that at Sylla's funeral, his friends carried above two thouſand golden crowns, which he had been preſented with by the towns and legions which had been under his government and command.

[g] *De Bello Gothico*, l. 1.

An

An ancient Inſcription informs us, that Auguſtus Cæſar had received above a thouſand of theſe crowns, and that they weighed five and thirty thouſand pounds; which amounts at leaſt to the value of three millions five hundred thouſand pounds.

The Magiſtrates of cities and towns uſed to offer them to the Emperors by way of making their court, generally embracing the occaſion of ſome public rejoicing for that purpoſe [h].

The Kings and Princes that were under the protection of the Roman Empire, adopted the ſame practice, and had the like view in their preſents of crowns [i].

Aulus Gellius takes notice, that crowns of gold uſed to be ſent to the Emperors in order to ſet off and embelliſh their triumphs [k]. The Jews, according to the ſame author, were not exempt from this kind of tribute. At laſt the Emperors Gratian, Valentinian, and Theodoſius made an Ordinance that this coronary gold ſhould not be exacted from any perſons or communities, but ſuch as were accuſtomed to pay it [l].

[h] *L.* 4. *Cod. Theod.*
[i] *L. ult. C. eod*
[k] *L.* 15. *c.* 6. *& L.* 17. *c.* 6.
[l] Ad collationem Auri Coronarii placuit neminem abſque conſuetudine eſſe cogendum. *L. unic. C.* De Auro Coronario.

CHAP. XIII.

Of the Preſents or Free Gifts which were voluntarily made to the Emperor.

THE Senators of Rome, and even the People, uſed to preſent the Emperor with gold by way of new-year's-gifts. This was done (as it is likewiſe at this time) on the firſt day of January; and the Emperor on his ſide did not fail to return the compliment, and exert his liberality in the like preſents. Dion Caſſius relates, that when Auguſtus Cæſar's palace was burnt, ſeveral private perſons offered him large ſums towards the expence of rebuilding it; but he refuſed them, and contented himſelf with taking a crown of gold (worth about five drachms) from every corporation or community, and a drachm an head from every private perſon [a].

The Princes and People that were in alliance with the Romans ſent alſo money, troops, horſes, ammunition, and proviſions, on occaſions that offered. Examples of this kind occur frequently in the Roman hiſtory.

Theſe voluntary contributions were made chiefly when the State was under any difficulty or diſtreſs. When the Romans began to give pay to their troops, which happened at the ſiege of Veii about three hundred fifty-two years after the foundation of Rome, there was a noble emulation between the People, the

[a] *L.* 14.

Knights,

Knights, and the Senators, who ſhould contribute moſt to the payment of the troops [b].

During the ſame ſiege of Veii, the Knights obliged themſelves to keep every one of them a horſe at their own expence: and the People made the like offers to vye with the Knights [c]. After the Gauls had laid Rome in aſhes, all the Roman people contributed towards the rebuilding of the city: and the work was carried on with ſo much ardor and diligence, that it was entirely re-edified within a year; and there appeared in the buildings a much greater regularity, beauty and magnificence, than had been ſeen before [d].

After the battle of Cannæ, which had reduced the State to the brink of ruin, all the citizens of Rome offered, and ſtrove with one another which ſhould firſt carry all the money and plate they had to the Exchequer. The very Ladies ſacrificed to the public good all their jewels and ornaments; ſo that the ordinary receivers were not enough to enter in the regiſters the names of ſuch as came to offer and bring their money to the Treaſury [e].

This admirable zeal for the public ſervice, this cordial ſympathy with the State, and harmony among one another, that reigned in the whole body of the people, is the ground and reaſon why Aſinius Pollio ſaid in Tacitus, that the money of private perſons was a real reſource for the State [f].

[b] *Tit. Liv.* l. 4. n. 59.
[c] *T. Liv.* l. 5.
[d] *Id* l. 5. n. 55. & l. 6. n. 4.
[e] *Idem.*
[f] Aliam apud Scipiones, aliam apud Fabritios pecuniam; ſed cuncta ad Rempublicam referri. *Annal.* l. 2.

Tacitus relates, that Gaul, Spain and Italy vyed with one another in offering to ſupply Germanicus with arms, horſes, and money, in order to recruit his army; and that he accepted the arms and horſes, but declined taking the money [g].

We may rank likewiſe among the Free Gifts, the money that came in to the Imperial coffers from ſuch as left the Emperors their heirs, either in whole or in part. Nero altered the nature of theſe bequeſts, and of mere voluntary legacies, as they were originally, converted them into downright impoſts and real tributes; ordering the eſtates and effects of all that made a teſtament without leaving the Prince their heir for ſome ſhare in their fortunes, to be confiſcated [h].

Auguſtus Cæſar, when any thing was left him by will, gave it at firſt to the neareſt relations of the deceaſed: afterwards however, during the laſt twenty years of his life, he drew very conſiderable ſums from the teſtaments that were made by particular perſons in his favour [i]. But good Princes generally declined making uſe of this way to enrich themſelves.

To this muſt be added the liberalities of foreign Princes, of which there are ſome extraordinary inſtances; ſuch as of Attalus King of Pergamus, who left the Roman People his

[g] Certavere Galliæ, Hiſpaniæ, Italia, quod cuique promptum erat, arma, equos offerentes; quorum laudato ſtudio, Germanicus, armis modo & equis ad bellum ſumptis, propriâ pecuniâ militem juvit. *Annal.* l. 2.

[h] *Suetonius in Nerone.*

[i] Quatuor decies millies ex teſtamentis amicorum percepit. *Suetonius in Auguſto,* c. 16.

heir.

heir. The ſame thing was done by others; to ſay nothing of Maſiniſſa King of Numidia, who put his children under the protection of the State, with an entire and abſolute dependance on the pleaſure of the Romans [k].

CHAP. XIV.

Of ſeveral extraordinary Impoſts.

AUguſtus Cæſar exacted the eighth penny, or twelve and a half *per Cent.* of all the effects and eſtates of perſons that were enfranchiſed [a].

The Emperor Flavius Veſpaſian laid an impoſt upon urine [b]. His ſon Titus not reliſhing this kind of tax, he held one day a piece of the money that was the produce thereof to his noſe, and aſked him if it had any ill ſmell [c].

Servius Tullius laid three ſorts of duties upon the people of Rome. The firſt was a piece either of gold or ſilver, of different value, according to the diverſity of their condition and circumſtances, which they were to pay for every new-born child; and this was put into the

[k] *Appian, Tit. Livius.*

[a] *Dion Caſſ.* l. 48.

[b] *Suetonius in Veſpaſiano*, c. 23.

[c] *Juvenal alludes to the avarice and the queſtion of Veſpaſian in theſe verſes:*

——————Lucri bonus eſt odor ex re
Qualibet, illa tuo ſententia ſemper in ore
Verſetur, Diis atque ipſo Jove digna, Poetæ.
Sat. 14.

Treaſury of Juno Licinia. The ſecond was a piece of money which every citizen, when he came to the age of manhood and put on the habit, paid and carried to the Treaſury of Venus. The third was a little piece, which was paid for ſuch as died, and was put into the treaſury of the Goddeſs *Libitina* [d].

There was alſo a certain duty that was levied as well in gold as ſilver, called *Chryſargirum*. It was impoſed upon beggars, upon harlots, their aſſiſtants and ſervants, upon perſons enfranchiſed, upon cattle, horſes, dogs, and other beaſts of ſervice, as oxen, mules and aſſes. A man and a woman paid a crown a head; they paid as much for a horſe, an ox, or a mule, and about a quarter part for an aſs and a dog. This duty was exacted alſo for urine, dung and ordure; ſo that the farmer or manager of this odd ſort of impoſt might ſay almoſt literally, *Aurum in ſtercore quæro* [e].

Conſtantine Manaſſes agrees with Cedrenus as to the nature of this tax; but he adds, that it was aboliſhed by the Emperor Anaſtaſius [f]. Sozomen in the third Book of his Eccleſiaſtical Hiſtory makes Conſtantine the Great to be the author of this impoſt. Evagrius does not agree with him in that particular, but he affirms that there was as much ſollicitation uſed and intereſt made for the farm of this naſty and infamous kind of exciſe, as for the com-

[d] *Dionyſ. Halicarnaſſ.* c. 4.

[e] *Caſſiod. Var.*

[f] Chryſargirum ſuſtulit Anaſtaſius Imperator, quod erat ut omnes viri, fœminæ, pueri, ſervi, liberi, nummum argenteum, nomine ſtercoris & urinæ, fiſco darent, item muli, equi, boves.

mand

mand of an army, or for an office of judicature [g].

There was another impoſt laid upon uſurers, upon curteſans and their agents, pimps and procurers of young people of either ſex, and others concerned in the like infamous kinds of traffick. This was levied every four years, and was called *Aurum luſtrale* [h].

Caligula laid exciſes upon all proviſions and eatables in general, that were ſold either by wholeſale or retale at Rome [i]. He did not forget lewd women, and condemned them to pay every day as much as they received at a time.

He laid likewiſe upon the ſtreet-porters a tax that was exceſſively hard and inſupportable: it was the eighth penny of all that they got by the day. In fine, he went ſo far as to lay an impoſt even upon marriages.

He exacted the fortieth part of the value of all eſtates the title whereof was litigated, and of all effects and ſums of money that were ſued for at law: and there were penalties denounced againſt ſuch as ſhould be convicted of making an accommodation with their adverſaries, or of giving up any of their rights or pretenſions [k].

[g] Hoc munus colligendi ambibant non aliter quàm militarem aliquam Præfecturam, aut civilem Magiſtratum.

[h] *Cujacius, Tit.* 59. *L.* 12. *Cod.*

[i] Pro eduliis quæ tota urbe venirent, certum ſtatumque exigebatur. *Suetonius in Caligula*, c. 40.

[k] Pro litibus atque judiciis ubicumque conceptis quadrageſima ſummæ de qua litigabatur, exigebatur; nec ſine pœnâ, ſiquis compoſuiſſe vel donaſſe negotium convinceretur. *Ibid.*

See

See now another artifice and effect of the malice of this monſter of cruelty. He would not ſuffer his Edicts to be poſted up in the public places and ſtreets, that by reaſon of people's ignorance of their contents, there might be the more violations of them, and conſequently more confiſcations to his profit. When the people made a great clamour on this account, and preſſed him to publiſh them, he cauſed them indeed to be engraved, but it was in characters ſo very ſmall, that it was not poſſible to read them [l].

When Auguſtus Cæſar was declared General of the forces of the Commonwealth againſt Mark Anthony, the Senate of Rome, as Xiphilinus relates, paſſed an Ordinance that all the world ſhould contribute the twentieth part of their eſtates towards the charges of the war; and that the Senators over and above this tax ſhould pay four *oboli* (about the value of five pence) for every chimney of the houſes which they either owned or rented, as well within as without the city. Dion Caſſius in his account of this tax riſes much higher than Xiphilinus, and ſays that they paid five pence for every tile upon the houſes which they had either in the town or country.

It happened ſometimes that private perſons procured grants from the Prince giving them the ſole privilege of ſelling a particular ſort of merchandiſe or proviſions: and for this excluſive privilege they paid a fine which was called *Jus Monopolii* [m].

[l] *Suetonius in Caligula*, c. 41.
[m] *Gothofred. Supp. L. unic. C.* De Monopoliis.

Some-

Sometimes alſo the Emperors robbed the Gods, and plundered their temples of all the gold and ſilver that had been offered in their honour, or conſecrated to their ſervice. Dion Caſſius relates, that Auguſtus Cæſar being in want of money to make war upon Anthony, ſeized on all the ornaments, treaſures, and offerings that he found in the temples of Rome, Italy, and the Provinces that were in his intereſt, or under his command.

When they did not firſt direct, they often afterwards countenanced and authorized ſuch exactions. There is a remarkable inſtance to this purpoſe in Licinius the freed-man of Julius Cæſar, and his Procurator in Gaul; where he had alone all the juriſdiction which is now under the French government divided between the Court of Aides, and the Chamber of Accounts. To enhance the taxes of the people, he altered the form of the year, and made it to conſiſt of fourteen months, becauſe the people of the country paid the Romans a certain and conſtant tribute every month [n]. Some time after, Licinius being accuſed of extortion, repreſented to Auguſtus, that if he had plundered Gaul, it was only to raiſe him money, and deprive at the ſame time the people of the country of the means of revolting. The Emperor approved his apology, and inſtead of puniſhing him, looked upon his exactions as an important ſervice done to the State.

It muſt be obſerved, that the Romans always kept a very conſiderable fund in reſerve for the neceſſities and urgent affairs of the

[n] *Dion Caſſius.*

Republic. Titus Livius calls it *Aurum Vicesimarium* [o].

Appian relates upon this ſubject, that there had from ancient times been a rich treaſure repoſed in the temple of Saturn at Rome; and that when it was there depoſited, terrible imprecations had been made againſt ſuch as ſhould offer to take it thence, unleſs it was to maintain a war againſt the Celtæ [p]. From this paſſage it appears evidently enough, that this treaſure reſerved for the greateſt diſtreſſes and extreme neceſſities of the State, was deſigned more particularly for wars with the nations of Gaul. Julius Cæſar however ſeized upon it, and carried it all away, ſaying, that ſince he had ſubdued thoſe nations, and reduced all Gaul into ſubjection, thoſe imprecations had no manner of relation to him, who by his conqueſts had fully anſwered the end for which the treaſure had been at firſt depoſited.

It is impoſſible without ſome horror to give a juſt deſcription of the terrible actions done by Anthony, Auguſtus and Lepidus, during their Triumvirate. Appian writes, that Anthony laid all kind of taxes in the moſt arbitrary manner upon the relations and friends of Cicero [q], who in the terror they were in for fear of being ſuſpected of holding intelligence with him, paid them immediately.

Theſe three Tyrants demanded at firſt and actually ſeized on all the real and perſonal

[o] *L.* 27.
[p] *De Bello Civil.* l. 2.
[q] *Ibid.* l 3. c 9.

eſtates

eſtates that they could find in eighteen of the richeſt and moſt eminent towns in Italy [r].

They proſcribed ſeveral citizens, whom they did not look upon as their enemies, purely to get money from them; and they involved in their proſcriptions above three hundred Senators, and two thouſand of the Equeſtrian Order, who were deemed the moſt wealthy perſons in Rome [s]. It was at this very time that the Provinces of Gaul broke out into an inſurrection, on account of the exceſſive impoſts with which they were oppreſſed and impoveriſhed [t].

Italy being in a manner ruined by their exactions, they mortgaged the impoſts, exciſes and cuſtoms upon goods exported and imported, for ſeveral years, in order to ſupply themſelves with ready money for their occaſion [u].

They rewarded every ſlave that brought them the head of a proſcribed perſon with the ſum of ten thouſand drachms, beſides his liberty, and gave five and twenty thouſand to freemen for the ſame ſervice. He that preſented Cicero's head to Mark Anthony, had two hundred and fifty thouſand Attic drachms given him for a recompence [v]. They expoſed the real eſtates of all that were proſcribed to ſale: but the thing was ſo odious, or the title ſo precarious, that no body cared to bid for them, and they could not find a purchaſer.

[r] *Ibid.* l. 4. c. 1.
[s] *Ibid.* c. 2.
[t] *Tacit. Annal.* l. 3.
[u] *Appian.* l. 4.
[v] *Ibid.* c. 4 & 5.

They

They taxed fourteen hundred Roman Ladies, the richeſt in the city, to pay two hundred thouſand talents; which amounted to four and twenty millions of crowns. They taxed alſo above an hundred thouſand perſons, as well citizens as ſtrangers, and even the very prieſts, for the payment of exorbitant ſums. Theſe laſt were in the war of the Gauls obliged to pay the fiftieth part of their eſtate, and one year's entire revenue.

Caſſius on his ſide did not ſcruple making as great exactions, as well upon the inhabitants of Laodicea, as on thoſe of Tarſus; from whom he extorted fifteen hundred talents. Theſe laſt, in order to raiſe the ſum demanded, were reduced, after having ſold all the effects and eſtates belonging to their Corporation, and even thoſe that were appropriated to the temples of their Gods, to ſell likewiſe their boys and girls.

The ſame Caſſius having taken Rhodes, carried off all the gold and ſilver that he could find in the temples, and all the effects of the inhabitants [w].

He obliged all the Provinces of Aſia to pay him in two years the tribute which was due from them in ten: and theſe advances amounted to above an hundred and forty millions, according to the calculation of Juſtus Lipſius.

Brutus ſeized on the treaſure of a petty Prince in Aſia, and cauſed it to be coined. He took away likewiſe all the gold and ſilver that he found in Patara: and yet he cauſed a

[w] *Appian.* De Bello Civili, *l.* 4. *c.* 9.

ſlave

ſlave to be hanged for having diſcovered his maſter's treaſure; and diſmiſſed the maſter with his money untouched [x].

By the help of all theſe exactions, Brutus and Caſſius were very well enabled to brag, that they had on their ſide the ſinews of war, that is to ſay, money in abundance, whilſt their enemies were preſſed with great wants in that reſpect.

After the defeat of theſe two Generals, Auguſtus beſtowed the richeſt towns of Italy upon his ſoldiers, and drove out the inhabitants, who by that means were diſperſed into all quarters of the Empire. He excuſed this proceeding by the neceſſity he was under of gratifying and contenting the ſoldiery; for the greateſt part of theſe towns had done nothing againſt him to incur his diſpleaſure, and deſerve ſuch a treatment. The deſolation of theſe towns, and the miſerable ſituation of the inhabitants, is deſcribed by Virgil in his firſt Eclogue [y].

Auguſtus, under pretence of borrowing the money for a time, ſeized on all the treaſures that were kept in the temples, thoſe of the Capitol, and other conſecrated places [z].

Anthony and Auguſtus were jointly concerned in laying new and further impoſts on the people, in order to defray the expences of the war againſt Sextus Pompeius. It was on this occaſion that Mark Anthony was told,

[x] *Ibid.* c. 10. *Ibid* c. 26.

[y] At nos hinc alii ſitientes ibimus Afros,
Pars Scythiam & rapidum Cretæ veniemus Oaxem,
Et penitus toto diviſos orbe Britannos.

[z] *Appian.* l. 5. c. 3.

that

that if he was minded to double the ſubſidies and taxes, he ought at the ſame time to ſupply the people with two ſummers, two autumns, and a double harveſt.

They ordered among other things, that all maſters ſhould pay twelve drachms and a half for every ſlave they had: and they exacted a certain portion of all eſtates of perſons deceaſed, of all legacies and truſts; which raiſed great diſcontents and heavy clamours among the people [a].

Nero took three parts in four of the aſſets and eſtates of all enfranchiſed perſons after their death. He robbed the Gods and pillaged their temples: he never diſpoſed of a poſt or employment, but he ſaid to the perſon to whom it was granted, when he gave it him: *You know what I muſt have; take care that nobody elſe have any thing* [b].

He ordered all the tenants of houſes to pay the value of their leaſes into the Exchequer: and exacted three kinds of money, *Nummum aſperum*, *Argentum poſtulatum*, *Aurum obrizum*. To multiply the number of confiſcations, he was for making a law, that all words ſpoken againſt the Prince ſhould be deemed and puniſhed as high treaſon [c].

Tiberius before him had taken it into his head to make it a capital crime for any body either to go into a place of ill repute with a piece of money on which his image was

[a] *Ibid.* l. 5. c. 8.

[b] Nulli delegavit officia ut non adjiceret, Scis quid mihi opus ſit, & hoc agamus ne quis quidquam habeat. *Sueton. in Nerone*, c. 12.

[c] *Suetonius* ib. c. 44.

ſtamped,

ſtamped, or to ſtrike the vileſt ſlave that had any of his coin about him.

The ſame Emperor confiſcated the eſtates of ſome Gaulic and Spaniſh noblemen, purely for the ſake of their riches, and ſuppreſſed the privileges of ſeveral private perſons [d].

Caligula, to make people buy the ſame privilege twice over, iſſued out an Edict, by which all ſtrangers, whoſe anceſtors had obtained Patents of naturalization and denizenſhip, if they were beyond the firſt degree of relation in the direct line, were declared incapable of enjoying the rights of Roman citizens [e].

CHAP. XV.

Of the Revenue ariſing from Salt, Mines, Treaſures found, Rivers, the Sea, &c.

THE Exchequer was entitled to a moiety of all treaſures that were found in ſacred places, or in ſuch as belonged to the public, or held of the State or Prince [a]. If any perſon found a treaſure in a ground belonging to the Exchequer or the Demeſne, and did not give notice of it, he was obliged to reſtore the whole, and pay likewiſe as much more into the bargain.

Tacitus and Suetonius relate, that one Cælius Baſſus ſent Nero word that he had found

[d] *Idem in Tiberio*, c. 48.
[e] *Idem in Caligula*, c. 16.
[a] *L.* 1. § 9. *ff.* De jure fiſci. *Frider. Imperat.* Quæ ſint Regalia in uſibus feudorum.

a vaſt treaſure in Africa [b]; and that he believed it was the very ſame which Dido Queen of Carthage had hid there formerly, to prevent its falling into the hands of Pigmalion [c]. This fine ſtory found credit with Nero, and the advice flattering his paſſions made him give a looſe to his extravagances, and in a ſhort time ſquander away all the wealth of the Empire.

With regard to ſalt, the Cenſor Livius, laying a new exciſe upon this commodity, gained himſelf the additional name or *cognomen* of *Salinator*.

Private men were not allowed to ſell any ſalt [d]; which ſhews that all the ſalt-works belonged to the State, and that the Government fixed a price for the ſale. There were ſeveral ſorts of it; for beſides that which was made with ſea-water, and what they drew from ſalt-ſprings, there was likewiſe a mineral ſalt which was got out of the earth; and women convicted of certain crimes were often condemned to theſe ſalt-works [e].

The duty upon ſalt could not but yield an immenſe produce, conſidering the neceſſity of the commodity, and the vaſt extent of the Roman Empire.

Appian writes, that ſome people of Illyria ſurrendered themſelves to Auguſtus Cæſar after holding out a ſiege of two years, for want of

[b] *Suetonius in Nerone.*

[c] Gliſcebat luxuria ſpe inani, conſumebanturque veteres opes quaſi oblatis quas multos per annos prodigeret, & divitiarum expectatio inter cauſas paupertatis publicæ erat. *Tacit. Annal.* l. 16.

[d] *L.* 11. *C.* De vectigalibus.

[e] *Pomponius, L.* 6. *ff.* De captivis.

ſalt.

ſalt. Theſe ſalt-works were let out to farm: and Caſſiodorus ſays, that the traffick and ſale of the ſalt was in ancient times one of the chief functions and principal buſineſs of the Superintendant of the Revenue. Cicero informs us alſo, that the Roman Knights kept a great number of officers in the ſalt-works, for the better managing of them to advantage [f].

All rivers, and ſea-ports, the banks of rivers and the ſhores of the ſea, depending on countries ſubject to the Empire, belonged to the Roman people: but notwithſtanding all their ambition, the Romans were of opinion that the ſea ought to be as free as the air [g]. This determination of theirs is made uſe of by all the Princes and States of Europe, to oppoſe the pretenſions of the Portugueſe, with regard to the navigation of the Eaſt Indies; againſt thoſe of the Spaniards, in relation to America; againſt the Venetians, with regard to the Adriatic Sea or Gulph of Venice, over which they take upon them to aſſume a dominion, and claim it as their Demeſne or property; and againſt the pretenſions of the Danes, who are for appropriating to themſelves the ſeas of Norway, and the ſtreights or paſſage of the Sound.

The Romans had abundance of Mines, from whence they derived an immenſe reve-

[f] *Illyric. C.* 3. *Caius, L.* 13. *ff.* De Publicanis. *Variar. L.* 6 *c.* 7.

[g] Littora in quæ populus Romanus imperium habet, populi Romani eſſe arbitror; maris verò communem uſum omnibus ut aëris. *Celſus, L. ff.* 3. Nequid in loco publico vel itinere fiat.

nue. Polybius writes, that there was one of them in Spain near Carthagena, where they kept above forty thouſand men continually at work.

Pliny relates, that there was another near Verceil in Piedmont: but the undertakers were ſtinted to the number of five thouſand workmen; becauſe if they had employed more, the whole mine would in a ſhort time have been exhauſted [h].

Beſides their mines of gold and ſilver, they had others likewiſe of chalk, of iron, copper and lead, which the Emperors farmers ſet to undertakers, as they did alſo the exciſe and ſalt-duties [i].

The Emperors took a tenth of all the produce of the quarries of marble. Spain, according to Strabo's account, afforded a vaſt number of them: but there were ſtill greater quantities of marble drawn from thoſe of Illyria, Pannonia, Thrace, Macedonia, and the Provinces of Gaul [k].

There was no want of quarries in Italy, but as Pliny relates, it was forbidden to open or work them by expreſs order of the Senate.

[h] *L.* 33. *cap.* 4.
[i] *L.* 13. *ff.* De Publicanis.
Cujacius & Alciat. ſuper Tit. 6. *L.* 11. *Cod.*
[k] *Strabon.* l. 13.

CHAP.

CHAP. XVI.

Of Loans and borrowed Money.

IN the greateſt diſtreſſes and preſſing occaſions of the Commonwealth, there were always found private men that advanced large ſums upon loan to the State: but if the condition of the public affairs was ſuch, that it was impracticable to repay the creditors the whole ſum within the time that had been ſtipulated, the Senate ſtill took care to do it at different times and in ſeveral payments; and, except in the caſe of an utter inability notorious and viſible to all the world, they ever kept the public faith and credit untainted; which, if well managed, is the ſureſt, the readieſt, and moſt plentiful reſource of ſovereign Powers. We have a very ſignal inſtance of this good faith mentioned in Livy. Several private citizens of Rome had advanced a great deal of money for maintaining the war againſt Annibal: and as after the fatal battle of Cannæ, it was impoſſible for the State to pay off the debt and clear with the creditors within the time ſettled and agreed on when the money was borrowed, they ſtill ordered, notwithſtanding the difficulties under which they laboured, that the whole debt ſhould be diſcharged at three payments [a].

[a] Decreverunt Patres, ut tribus penſitationibus ea pecunia ſolveretur. *Lib.* 9. *n.* 16.

After the Carthaginian war, when the Romans could not ſatisfy and pay off the State-creditors with ready money, the Senate ordered that they ſhould be paid the value of their debts in lands, to be reſtored afterwards to the State at the option of the creditors, if they choſe rather to be paid in money, at a time when there was a ſufficient fund in the Treaſury [b].

It muſt be obſerved in this place, that Corporations, when they were over-loaded with debts, had the liberty of ſelling their eſtates, and might alienate or make over their lands and other poſſeſſions to their creditors, in ſuch a proportion as was ſufficient to diſcharge the debt.

** [*In France it is now a difficult matter to procure a licenſe of this kind from the King; as appears from the caſe of the Communities of Provence, who have been often refuſed ſuch a permiſſion.*]

[b] Cum privati æquum poſtularent, nec tamen ſolvendo ære alieno Reſpublica eſſet, quod medium inter æquum & utile erat, decreverunt ut quoniam magna pars eorum agros vulgo venales eſſe diceret, & ſibimet emptis opus eſſe agri publici qui intra quinquageſimum lapidem eſſet, iis copia fieret. Conſules agrum æſtimaturos, & in jugera aſſes vectigales, teſtandi causâ, publicum agrum impoſituros, ut ſiquis cum ſolvere poſſet populus pecuniam habere quàm agrum mallet, reſtitueret agrum populo. *Tit. Liv.* l. 31. n. 13.

CHAP.

CHAP. XVII.

Of the great Exactions of the Romans.

PLutarch relates, that Paulus Æmilius plundered all Macedonia and Illyria. Julius Cæſar carried off all the the gold and ſilver that he could find in Spain, and did not ſo much as leave any in the temples. In the time of his firſt Conſulſhip, he took three thouſand pounds of gold out of the Capitol, and put in its ſtead the ſame quantity of braſs gilt over ſlightly enough [a]. He ſold Corporations and Kingdoms, and took from Ptolomy ſix thouſand talents [b].

Xiphilinus writes, that the Emperor Tiberius having ſent for Bato King of Dalmatia, aſked him the reaſon why that Province had broke out into an inſurrection, and revolted from his Empire; and that the other anſwered him in theſe words, *Why do you ſend wolves and voracious beaſts to keep your flocks, inſtead of dogs and ſhepherds?*

Tacitus in the Life of his father-in-law Agricola, who was Governor of Great Britain, aſcribes the revolt of the Britons to the exceſſive taxes and burdens laid upon them by the Romans. *What they call governing* (ſaid they) *is plundering, cutting the people's throats; and when they have reduced a very populous country to the condition of a frightful deſart, they call it*

[a] *Suetonius in Julio*, c. 54.
[b] *Xiphilinus.*

pacifying a country [c]. They complained that inſtead of one King which they had before, they had under the Romans two Tyrants, the Governor who ſhed their blood, and the Procurator who drained their ſubſtance [d].

Strabo relates, that the Romans laid tributes upon uncultivated and deſart iſlands. The iſle of Gyara was a very ſmall one, and inhabited only by a few poor fiſhermen; yet they impoſed upon them a tax of a hundred and fifty pounds a year. The miſerable ſufferers, unable to bear ſo heavy a burden by reaſon of their ſmall number and their extreme indigence, ſent a deputation to the Emperor Auguſtus to get excuſed of a third part of the tribute.

The accuſation of Verres, and the defence of Fonteius, in Cicero's Orations, ſerve for proofs and monuments of the rapaciouſneſs of Roman Governors. Sometimes indeed they were proſecuted for their rapines and extortions, but the Provinces which they had plundered and oppreſſed were not thereby relieved, nor fared the better on that account. Juvenal gives us a deſcription of the inſolent and oppreſſive adminiſtration of one Marius, who had the Government of Africa [e], and who is probably the ſame that is mentioned by the younger Pliny [f]. This Marius, according to the account given of him by the laſt of theſe

[c] Trucidare, rapere falſis nominibus Imperium, atque ubi ſolitudinem faciunt, pacem appellant. *Tacit.*

[d] Pro ſingulis Regibus nunc binos imponi, ex quibus Legatus in ſanguinem, Procurator in bona ſæviret. *Ibid.*

[e] *Sat.* 1.

[f] *L.* 2. *Ep.* 11.

authors,

authors, was convicted of monſtrous extortions, condemned to pay a vaſt fine to the Exchequer, and then to be baniſhed from Italy; but nothing of the plunder that he had made was ever reſtored to the ſufferers, or applied to the eaſe and relief of the Province.

Cilicia was a very poor Province, and before it was ſubdued by the Romans, was inhabited only by robbers and pirates; yet Capito and Junius Tutor found in it quarries for their avarice, and made it the ſcene of thoſe acts of violence, oppreſſion, and extortion, for which they were condemned. Juvenal on that occaſion gives a very fine lecture to the Governors of Provinces [g]: but he complains immediately after, that all theſe examples had ſo little effect, that they were not able to reſtrain the greedineſs of thoſe that ſucceeded the very Governors that had been puniſhed for their depredations [h].

This Satyriſt finds fault with the Romans for their treatment of Kings and Princes that depended on the Republic, fleecing and devouring them to the very marrow of their bones [i].

He accuſeth them of committing even crueller exactions in times of peace, than in the rage of war [k]: and adviſes them, for their

[g] Expectata diu tandem Provincia cum te
Rectorem accipiet, pone iræ fræna modumque,
Pone & avaritiæ, miſerere inopum ſociorum.
Reſpice quid moneant leges, quàm fulmine juſto
Et Capito & Tutor ruerint, damnante Senatu,
Piratæ Cilicum, *&c.* *Sat.* 8.

[h] Sed quid damnatio confert, *&c.* *Ibid.*

[i] Oſſa vides Regum vacuis exhauſta medullis. *Ibid.*

[k] ——————Referebant navibus altis
Occulta ſpolia, & plures de pace triumphos. *Ibid.*

own

own intereſt, to moderate their avarice, to put a ſtop to their rapine and oppreſſions, and uſe more humanity in their treatment of miſerable but warlike nations[1].

We have already related in another place the ſtory of Julius Cæſar's freed-man; who after he had pillaged the Provinces of Gaul, where he had been employed as the Prince's Treaſurer, was artful enough to extricate himſelf dexterouſly out of a very ill affair, and make a ſucceſsful apology for his extortions. He is accuſed of having imbezzled the public money, and robbed the people under his government to fill his own coffers: he takes this effectual method to ſave himſelf; he carries Auguſtus to his houſe, ſhews him all the gold and ſilver that he had ſcraped together by violence and plunder, and gives him up all the booty; he is acquitted by this means; and the Emperor, that ſhould have been his judge, becomes his accomplice.

We may properly enough in this place take notice of the ravages committed in the fury of the Civil Wars. What numbers of Towns ſacked, and Corporations ruined! What multitudes of people deprived of their poſſeſſions, and driven out of their country, to make room for the ſoldiers, upon whom their lands and eſtates were beſtowed! Tacitus, ſpeaking of the alteration made in the conſtitution of the Roman State, when the Commonwealth was

[1] Curandum imprimis ne magna injuria fiat
Fortibus & miſeris: tollas licet omne quod uſquam eſt
Auri atque argenti, ſcutum gladiumque relinques,
Et jacula & galeam: ſpoliatis arma ſuperſunt. *Sat.* 8.

turned

turned into a Monarchy [m], ſays, that the Provinces were not at all ſorry for this revolution, becauſe of the avarice of the Magiſtrates and Governors which uſed to be put over them in the latter times of the Republic [n]. Salluſt, in the beginning of his Hiſtory of Catiline's Conſpiracy, laying open the wounds made in the Commonwealth, and the miſerable ſituation of her affairs through the deluge of vice and corruption that had overflowed it, gives a ſtill more feeling repreſentation of the exceſſes and violences that are the ſubject we are treating of at preſent. Plutarch, in the life of Marius, ſays, that ſuch as ſtood candidates and ſollicited for any poſt in the Government, carried gold and ſilver by buſhels into the *Campus Martius* to purchaſe publickly the votes of the electors: and Suetonius relates, that Cæſar had ſpent all his fortune in making intereſt to get himſelf raiſed to the honours and dignities of the Republic. Now, as all conſiderable poſts and employments were diſpoſed of by the people, and depended on their ſuffrages, the Magiſtrates conſequently, as well at Rome as in the Provinces, minded nothing but how to get money and grow rich, that they might be able to purchaſe them on occaſion. It is for this reaſon that Horace ſays, the age he lived in was truly the Golden Age [o]. Juvenal ſpeaking of the manners of people in his time at

[m] *Annal.* l. 1.

[n] Ob certamina Potentum & avaritiam Magiſtratuum, invalido legum auxilio, quæ ut ambitu poſtremo pecuniâ turbabantur.

[o] Aurea nunc verè ſunt ſecula; plurimus auro
Venit honos.

Rome,

Rome, repreſents poverty itſelf as ambitious, and money as the ſovereign diſpoſer of all things [p].

To all theſe accounts of the greedineſs of the Romans, we may ſtill add the horrible abuſe of confiſcations in the reigns of the Domitians, the Nero's, and other tyrannical Emperors. Tacitus, in the Life of Agricola, gives in very few words a lively deſcription of the miſery of people, and the uncomfortableneſs of living in thoſe deplorable times. Our anceſtors, ſays he, ſaw in former ages to what an height liberty might be carried, and we in this ſee all the extremities of ſlavery, being ſurrounded with informers that debar us the uſe both of our ears and tongues [q].

After having given this account of the exactions of the Romans, it may not be amiſs to ſay ſomething of their Publicans, whoſe inſolence, greedineſs, and extortions, under the colour of law and ſhelter of an authority that commanded reſpect, made ravages in the boſom of the Empire as in a conquered country, and acted over again all the tyranny which it was the fate of people ſubdued by force of arms to endure. Hiſtorians have not omitted on ſome occaſions to tranſmit to us particular accounts of their violences and rapines. Titus Livius takes notice of the miſdemeanors which they were guilty of, and the

[p] Commune eſt vitium; hic vivimus ambitioſâ
Paupertate omnes. Quid te moror? omnia Romæ
Cum pretio —— *Sat.* 3.

[q] Sicut vetus ætas vidit quid ultimum in libertate eſſet, ita nos quid in ſervitute, adempto per inquiſitiones audiendi loquendique commercio.

hardſhips

hardſhips that the people ſuffered from them during the ſecond Carthaginian war; which the State was obliged to wink at in a conjuncture when their neceſſities were great, and their all was in danger. I ſhall confine myſelf to a ſingle inſtance.

L. Pomponius and M. Poſthumius having undertaken to ſupply the troops with proviſions, which they were to carry by ſea to the army, in order to procure reimburſements to which they had no right, took it into their head, not only to trump up and pretend to ſhipwrecks that never happened, but alſo to cauſe real ones for the better concealing of the other that were purely fictitious. For this purpoſe they put what they thought proper on board ſome old leaky ſhips, which their ſeamen took care ſhould founder, having little ſhallops in readineſs to ſave the crew. The latter of theſe partners in the undertaking being cited to Rome on account of this artifice, had recourſe to violence and force for his impunity, and with the aſſiſtance of his creatures and partiſans, drove away the people of Rome that were aſſembled before the Capitol in order to judge his cauſe [r].

[r] *Tit. Liv.* l. 5. Decad 3.

CHAP.

CHAP. XVIII.

Of the Releaſes and Abatements of Taxes made to the Roman People.

JULIUS Cæſar eaſed the people of Italy very much, and made them conſiderable largeſſes [a].

Auguſtus, after he had reduced Egypt into the form of a Province, brought ſo much money to Rome, that the people were exceedingly eaſed by it; for eſtates roſe in their price and value, the rate of intereſt leſſened, and Auguſtus himſelf readily lent his money, upon good ſecurity being given to pay him double the ſum [b].

Tacitus relates, that Tiberius Cæſar having declared that Cappadocia was able to pay the hundredth penny of all that was ſold by wholeſale or retale, vouchſafed however to leſſen the impoſt one half, after he had taken away that Kingdom from Archelaus, and reduced it into a Province. Syria and Judæa petitioned at the ſame time to have an abatement made as to their tribute [c].

In the reign of the ſame Emperor, twelve towns having been laid in ruins by the violence of an earthquake, this Prince diſcharged them of all ſubſidies, exciſes and impoſts for five years; and moreover gave them conſiderable

[a] *Suetonius in Julio*, c. 32.
[b] *Idem in Auguſto*, c. 41.
[c] *Annal.* l. 7.

ſums

ſums to help them to rebuild their houſes and recover their loſſes.

The city of Sardis having been infeſted and laid waſte by a terrible contagion, he excuſed the inhabitants for five years from paying any impoſts or tributes [d].

The ſame Tiberius gave a very ſharp reprimand to Æmilius Rectius governor of Egypt, who had ſent him a great ſum of money that had been levied without his order. *I would*, ſays he, *have my ſheep ſheered, but not flayed* [e]: words very remarkable, and related alſo with a ſmall variation by Tacitus and Suetonius [f]. Tiberius lent the people of Rome money for three years without any intereſt, and by that means regained in ſome meaſure their good graces and confidence [g].

Caligula paid all the legacies which his predeceſſor Tiberius had left to the people of Rome. He ſhewed favour to Italy, and remitted the hundredth penny payable out of eſtates ſold by auction in that country [h]. He made conſiderable preſents and grants to ſeveral private perſons that had been ruined by fire. He reſtored entire Kingdoms to Princes that had been diſpoſſeſſed of them, with all their revenues; and even went ſo far as to make reſtitution of what had been been received after the time that thoſe Kings had been turned out of their dominions, as he did to the King of Comagena.

[d] *Ibid.* l. 2.
[e] *Dion Caſſius.*
[f] Boni paſtoris eſt oves tondere, non deglubere.
[g] *Tacitus*, l. 5.
[h] *Suetonius in Caligula*, c. 16 & 17.

The

The Emperor Claudius exempted the Trojans from all impoſts, exciſes, and ſalt-duties for ever [i].

Nero in the five firſt years of his reign eaſed the people in point of taxes, and took off the moſt burdenſome of the exciſes. He was even inclined to aboliſh all the duties in general that were levied upon the proviſions, merchandiſe, and commodities, as well ſuch as were of the growth and produce of the country, as what were imported from abroad [k]: but the Senate diſſuaded him from putting that deſign in execution. He diſcharged all ſuitors in the Courts of judicature of the duties they uſed to pay for the trial and determination of their cauſes, and regulated the fees of Advocates. He thought the law *Papia* gave too great encouragement to ſuch as made diſcoveries and gave informations of eſtates, effects, run goods and other dues belonging or forfeited to the Prince's Exchequer: the reward of ſuch information as fixed by that law amounted to a moiety of the value of the merchandiſe or other things informed of and diſcovered; he reduced it to a quarter part.

Germanicus leſſened the ſubſidies and tribute that uſed to be paid by Cappadocia, to make, as Tacitus ſays, the Roman yoke ſit the lighter upon that Province [l].

Galba cauſed all that had got exorbitant grants from Nero, or had been concerned in the diſſipation of the Treaſury in his time, to be proſecuted: but nothing was got from them,

[i] *Suetonius in Claudio*, c. 18.
[k] *Idem in Nerone*, c. 7.
[l] Quò mitius Imperium Romanum ſperaretur.

becauſe

becauſe they were not able to refund; thoſe whom Nero had loaded with his favours and exceſſive bounties being reduced to as great indigence as thoſe whom he had robbed and plundered to enrich them; a circumſtance obſerved by Tacitus, and very remarkable indeed [m]. Galba was naturally frugal and parſimonious, but with regard to the public money, he was, as the ſame Hiſtorian ſays, downright covetous [n].

Veſpaſian, to keep the Sarmatians quiet during the diſſenſions that infeſted moſt parts of the Empire, took off the ſubſidies and tribute they uſed to pay [o].

Ammianus Marcellinus relates, that Julian the Apoſtate hindered the tribute uſually laid on the Provinces of Gaul from being raiſed to an higher rate by Florentinus [p].

This Emperor, according to the ſame Hiſtorian, took particular care, above all things, that nobody ſhould be oppreſſed or overcharged by the impoſts [q].

The Sarmatians indeed offered the Emperor Conſtantius to pay all the ſubſidies and tributes that they owed; and under his government impoſts and tributes were exceedingly multiplied [r]: but his ſucceſſor Julian diminiſhed

[m] Juſtiſſimum viſum eſt inde repeti pecuniam ubi inopiæ cauſa erat, grande gaudium quod tam pauperes forent quibus donaſſet Nero, quam quibus abſtuliſſet. *L.* 17.

[n] Galba pecuniæ alienæ non appetens, ſuæ parcus, publicæ avarus. *Lib.* 17.

[o] *Tacitus*, l. 19.

[p] *Lib.* 17.

[q] Obſervabat diligenter ne quem tributorum ſarcina prægravaret. *L.* 18.

[r] *Idem*, l. 19.

them considerably, and remitted a great part of them to ease an over-burdened people [r].

Good Emperors frequently eased those that contributed to the tailles and subsidies upon land, and remitted the arrears which were due [s].

We read in Cassiodorus, that the Provinces of Gaul subject to Theodoric King of the Ostro-Goths, had all the excises and imposts charged upon them remitted, because they had been harrassed and plundered by the enemy: and this good Minister of a good Prince has preserved and transmitted to us an Ordinance, wherein the farmers of the Revenue are very strictly and expressly enjoined to levy the taxes upon the people without either exactions or violence [t].

The inhabitants of Syracuse were treated in the same gracious and gentle manner by Alaric: and this King of the Goths writing to them makes use of these admirable expressions. *You have a Prince whose favours and kindness naturalize him in a manner with regard to you, and (what is still more agreeable to subjects) whose inclination to do good increases in proportion as he advances in years* [v]. This Prince caused restitution to be made to the people of the Provinces of the Empire that were reduced into

[r] Indicta sunt tributa admodum levia, coronarium indultum, remissa debita, multâ diuturnitate congesta, æquata fisci jurgia cum privatis, vectigalia civitatibus restituta cum fundis, absque iis quos jure vendidere potestates.

[s] *C. L.* 10. *Tit.* 2. *l.* 3.

[t] *Cassiodor. Var.* l. 3. c. 40. *Ibid.* l. 12. c. 8.

[v] Habetis Principem, qui vobiscum beneficiis probatur exortus, & quod subjectis dulcius est, augetur ingenio benevolo cum ætatis augmento. *Var.* l. 9. c. 10.

his

his ſubjection, of all that had been levied upon them more than the ordinary duties [w].

There is in Caſſiodorus a Declaration of Theodoric, forbidding all the officers and farmers of his Revenue to exact ſubſidies and tributes upon the foot by which they had been regulated, and on which they had been paid formerly [x]: and we need only open the writings of that great Chancellor, to find ſome monument or other of this nature.

Theodoric at one time orders the Director general of his Demeſne to remit all the reſidue and arrears of former years: and adds theſe words, which do him no little honour. *Whatever we remit our people out of motives of compaſſion and humanity, redounds in the end more amply to our advantage. For the riches of a Prince increaſe in the ſame proportion as he eaſeth his ſubjects; and he is abundantly paid for the little fondneſs he ſhews for the mean and precarious treaſures that conſiſt in money, by thoſe of a nobler kind, which he gains by the weight of his reputation, and lays up in the eſteem of mankind* [y].

At another time this Prince remits the tailles and ſubſidies on conſiderations ſtill more moving. *If no relief*, ſays he, *be given to a perſon that is fatigued and crouches already under a burden, he muſt needs ſink at laſt, and fall down without any poſſibility of riſing* [z].

[w] *Caſſiod. Var.* l. 6. c. 12, 14.

[x] *Ibid.* l. 4. c. 18.

[y] Illud amplius noſtris utilitatibus applicamus, quod miſericordi humanitate concedimus. Regnantis enim facultas tunc fit ditior cum remittit & acquirit nobiles theſauros famæ, neglecta vilitate pecuniæ. *Caſſiodor. Var.* l. 1. c. 6.

[z] Si feſſus onere minimè relevetur, neceſſitate cogitur jacere proſtratus. *Ibid.* l. 4. c. 36.

We meet in another place with a teſtimo- equally glorious to the Prince who gives .., and to the Miniſter that deſerved it. Theodoric acquaints Caſſiodorus with the ſatisfaction he had received in finding that he had cauſed his orders to be executed exactly in the Provinces, and that he had in other reſpects faithfully performed on his part whatever he had promiſed; that is, that nobody had ever ſuffered any injuſtice during his adminiſtration [a].

Here the people are alſo excuſed from paying the tailles and ſubſidies, by reaſon of the expence which they were at on account of the quarters and marches of the ſoldiers of the army through the country. *Be eaſy, have no anxiety*, ſays he to them; *you are got out of the hands of the farmers and exciſemen, the marches of the troops excuſe you from all taxes. Take inſtruments of iron into your hands, but yet ſuch as are proper to plough and cultivate your lands; arm yourſelves, but with goads to prick your oxen forward, not with weapons to repel violence* [b].

During the reign of Theodoric, poverty was a never-failing plea, and a kind of natural privilege, which not only exempted them from thoſe exorbitant duties which the inability of a poor man, baulking the greedineſs of the farmers and exciſemen, ſnatches as it were from their clutches: but which diſcharged them likewiſe entirely from every thing that the vi-

[a] *Ibid.* l. 12. c. 2.

[b] Nolite eſſe ſolliciti, evaſiſtis exigentium manus, tributa vobis præſens adimit apparatus. Arripite ferrum, ſed unde agros excolatis; ſumite cuſpides, boum ſtimulos, non furoris. *Ibid.* l. 12. c. 5.

olenteſt

olenteſt thirſt of the vileſt lucre finds ſtill means to ſqueeze out of ſuch wretches as are worth nothing. *Take heed*, ſays this Prince to the farmers of his Revenue, in directing his diſcourſe to his Great Treaſurer, *that you do not become a worſe plague to the people than the peſtilence, if you attempt to ſtrip ſuch as have been plundered already, and are quite naked and deſtitute* [c].

It was not the cuſtom in this Prince's reign to lay upon others the duties and taxes from which ſome were out of his uſual humanity diſcharged: he thought it deteſtable that a grace ſhewed or a recompence given to a deſerving perſon ſhould turn to the prejudice of the innocent [d].

The tailles or ſubſidies upon lands were generally remitted to towns that had endured ſieges, or been hindered from cultivating their lands by the ravages of the enemy [e].

Some merchants and mariners that were bringing corn from Sicily, having met with a ſtorm and ſuffered ſhipwreck, allowances were made them for all the corn that was loſt [f].

Lampridius, Spartianus, Capitolinus, Vopiſcus, Procopius, Zonaras, and the Tripar-

[c] Cave ne gravior fias peſtibus, ſi adhuc nudare velis exutos; calamitates non paveſcant qui arma timuerunt, rapinas non ſentiant poſt prædones. *Caſſiod. Var.* l. 12. c. 7.

[d] Non inferri à quoquam volumus quod alteri noſtra humanitate remiſimus, ne quod dictu nefas eſt, bene meriti munus innocentis contingat eſſe diſpendium. *Ibid.* l. 2. c. 17.

[e] Quid enim ab agri domino exigas quem eum non coluiſſe cognoſcas. *Ibid.* l. 3. c. 32.

[f] Crudelitatis genus eſt ultra naufragium ſævire, & illos ad diſpendia cogere, quibus inopem vitam immitia pericula probantur conceſſiſſe.

tite Hiſtory, are full of the like examples, which it would be too long to enumerate and recount particularly. It may be ſufficient to obſerve in the general, that all the impoſts and exciſes which had been laid in the dreary times and tyrannical reigns before mentioned, were at laſt ſuppreſſed by a law of the Theodoſian Code, which is the ninth of the famous Title, *De infirmandis iis quæ ſub tyrannis acta ſunt.*

* * [*The ſame motives of equity which ſerve for the ground and foundation of this law, make the Emperor Juſtinian ſay, that the impoſts and exciſes which the misfortunes of war have introduced into a State, ought to be taken off and aboliſhed in the calm and tranquillity of peace* [g].]

After all, it is certain that ſubſidies or public revenues are things of indiſpenſable neceſſity; and we muſt recur at laſt to that juſt way of reaſoning expreſſed by Tacitus in theſe words. *There is no ſecuring the quiet of nations without arms; there are no arms to be had without money, nor can troops be maintained without pay; and there can be no pay without ſubſidies* [h]. There is nothing to be ſaid to this political dilemma.

[g] * * * *Quod belli calamitas introduxit, hoc pacis lenitas ſopit.* L unic. Cod. *De Caduc. tollendis.*

[h] Nec quies gentium ſine armis, nec arma ſine ſtipendiis, nec ſtipendia ſine tributis haberi queunt. *Tacit.*

CHAP.

CHAP. XIX.

Of the moſt conſiderable differences between the Revenues of the Romans and thoſe of France.

AMONG the Romans they could not ſeize any man's perſon and put him in priſon on account of the Taille; but could only come upon the land and ſell his eſtate. In France, the practice is directly contrary; they impriſon people that do not pay, and never ſeize upon or ſell the eſtate, unleſs it be in Provinces where the Taille is real and charged upon lands.

Such as did not pay their ſubſidies at the terms that were preſcribed and fixed, were ſometimes condemned to pay double: which is not the cuſtom in France.

The Tailles were levied by a third part of the annual aſſeſſment at a time, or every four months: and it is for this reaſon that the acquittances given for them were ſtiled, *Quadrimeſtres breves*. In France they are levied quarterly, that is to ſay, every three months.

The aſſeſſment for the Tailles was made in the Roman Empire ſince the time of Conſtantine the Great, but every fifteen years: but in France it is made every year.

The public or Imperial Demeſne among the Romans might be alienated irrevocably, and in a term of years was ſecured by perſcription againſt all claims of the Exchequer; but in

France it is inalienable, except with the reſervation of a right of redemption for ever, or of reverſion, upon the defect of heirs male: but under the firſt and ſecond race of the Kings, it was alienated irredeemably.

Among the Romans, the Patricians and Nobles were ſubject to the Taille; but in France the Nobility, Gentry, and Clergy are exempt from that tax.

In that Republic the commiſſions for levying the Tailles were ſent in the beginning of September: but among the French, they are iſſued out in the beginning of the year.

Among the Romans ſome perſons were obliged to pay in gold, others in ſilver, and others again in braſs money; and the payments were pretty often made in bullion, or in theſe different metals uncoined: which is not practiſed in France.

In that Kingdom, when a ſhipwreck happens, all goods that are ſaved or thrown on ſhore after ſuch an unhappy accident, belong to the King's Demeſne, if not claimed by the owner within a year and a day: but the Exchequer had no pretenſions of this nature among the Romans.

At Rome the State or Prince was always in the condition of a plaintiff: ſo that if any body had a ſuit againſt the Exchequer, he was either put into poſſeſſion or continued in poſſeſſion of the thing in queſtion, till a definitive ſentence was given in the cauſe. The very reverſe of this is the cuſtom in France: the King never ſues or pleads but with his hand full, that is, as being in poſſeſſion, and never as a petitioner or demandant.

The

The *Droit d'Aubaine* takes place in France, even with regard to the inhabitants of countries that are in alliance with that Crown, the Dutch only excepted: but among the Romans, all their allies that died within their dominions might diſpoſe of their effects by will, and their right heirs ſucceeded to their eſtates.

** [*The Romans made great proviſions, and laid up large magazines of corn for the ſuſtenance of the people: and the Emperors iſſued out doles from time to time, and diſtributed* gratis *ſuch quantities thereof as were ſufficient to ſubſiſt above two hundred thouſand people.*

The Romans, in order to provide for the ſubſiſtence of the poor citizens, and for better ſecuring the countries they had conquered[a]*, ſent colonies thither, and drew thence very conſiderable advantages, as well by means of the troops which they raiſed there on occaſions, as on account of the large ſupplies of money which thoſe colonies furniſhed them with in any exigence or neceſſity of their affairs. The uſe of colonies is not known in France, nor ever practiſed, but with regard to America.*

The Romans likewiſe diſtributed lands among the poor citizens. In ſettling the ſhare to be allotted to particular perſons, they had a regard to each man's ability: and they aſked nothing at all from the common people, but to take care to furniſh the Commonwealth with ſubjects. This is not practiſed in France; nor do I remember to have met with the leaſt trace of ſuch a cuſtom in any other country.

The Romans drew their greateſt revenue from their victories and conqueſts. But now-a-days,

[a] ** Sigonius de Jure Italiæ & Provinciarum.

by

by the manner in which places are fortified, and by the articles of capitulation, which are always for the ſecurity and advantage of the inhabitants, towns and places that ſurrender, neceſſarily enhance the expence of the war, without contributing any great matter to eaſe or make amends for its charges, unleſs perhaps in the caſe of frontier towns, the garriſons whereof may poſſibly be maintained by means of contributions.]

Among the Romans, the Treaſury never paid any impoſts, tolls, duties of entry, or cuſtoms of import for whatever was deſigned for the uſe of the Prince's houſhold [b]. In France, the wine deſigned for the King's table, the ſalt, and every thing elſe for the ſervice and uſe of his houſhold pay the duties.

The proviſions and munitions deſigned for the armies and ſoldiery were free of all duties [c]. In France they are ſubject to them, and have no more exemption than others.

Among the Romans, monopolies, that is to ſay, the ſole and excluſive right of ſelling certain kinds of merchandiſe and commodities, were granted at firſt upon the payment of a certain fine, but were afterwards aboliſhed [d]. The very name of a monopoly became at laſt ſo very odious to the Romans, that the Emperor Tiberius being minded to uſe the word, durſt not do it, till after he had aſked leave of the Senate.

The Ordinances of the Kings of France are very expreſs in forbidding all monopolies. ** [*But theſe are derogated from in the caſe of*

[b] *L.* 8. *ult.* §. 19. *ff.* De Publicanis.
[c] *D. L.* 8.
[d] *L. unic. C.* De Monopoliis.

Books

Books and Bookſellers, (to whom Authors have ſold the property they have in their works) to whom the Prince ſtill grants excluſive privileges; and in favour of ſome Companies with regard to ſome foreign commodities.]

The lands of the Imperial Demeſne, and thoſe that belonged to the Churches were all ſubject to the charges of the State among the Romans: but in France thoſe of the Demeſne are liable to none.

Among the Romans, when the Exchequer ſold the lands of a private perſon, the abſolute property thereof was transferred [e]: but this is not the practice in France.

The naſty, unſeemly, and tyrannical exciſes which the avarice of the Romans invented, never were heard of, and are utterly unknown in France.

The Kings of France generally give away all the confiſcations that accrue to them; but it was not ſo much as allowable to petition for them among the Romans [f].

The treaſure of the Exchequer receives no acceſſion in France from teſtamentary ſucceſſions, which contributed ſo much to fill it among the Romans.

It was not allowed among them to borrow any money from the officers of the revenue [g]; whereas nothing is more common in France.

Sometimes they forced the public farmers of the revenue to continue their farms, after their leaſes were expired, upon the foot of their

[e] *L.* 2. & 3. *Cod.* De Quadrien. præſcriptione.
[f] *C.* De petitione bonorum ſublata.
[g] *L.* 1. & 12. 2. *C.* De his qui ex publicis rationibus pecuniam acceperunt.

former

former articles [h]. I have never found any inſtance of ſuch a practice in France.

Judgments given and ſentences pronounced by Courts of judicature againſt the Exchequer among the Romans might be reviewed, retracted and reverſed by them any time within three years [i]. In France the farmers of the King's revenue are obliged to proceed in the uſual forms, by exceptions, and petitions.

The bonds and recognizances of ſuch as were condemned to pay any ſum to the Roman Exchequer, were only obligatory upon them for their particular ſhare, except in caſe of the inſolvency of the other parties [k]. In France theſe bonds oblige each perſon for the whole ſum.

Among the Romans the binding of each partner in a farm of the revenue for the whole ſum due on account of the tailles and other impoſts, was not in uſe. It takes place however in France, in caſe of not making up the tax-rolls, of inſolvency on the part of the collectors, and of omiſſions in the levies.

The farmers general among the Romans were frequently perſons of illuſtrious and noble families. We read in Tacitus, that Germanicus, eldeſt ſon to the Emperor, went to levy the taxes in the Provinces of Gaul, when the legions mutinied [l]. The Publicans in France are not very fond of pretending to be of ſo good families; and the goods of fortune uſu-

[h] *L. ead. ff.* De Publicanis.
[i] *L. unic. C.* De ſententiis adverſus fiſcum retractandis.
[k] *L.* Auſertur. §. *ult. ff.* De jure fiſci.
[l] *Tacit. Annal.* l. 1.

ally

ally ſerve to make them amends for their defects in birth and quality.

Among the Romans, in caſe there was the leaſt doubt in any affair wherein the Exchequer was concerned, the law directed that ſentence ſhould be given againſt it [m]: and Pliny in his Panegyric ſays, that Trajan cauſed this law to be ſtrictly obſerved [n]. In France they are much more jealous of the Prince's rights, and have good reaſon to be ſo; for it is the firſt and moſt important point of juſtice to maintain the rights of the Crown, and not give them or let them be invaded and taken away either out of vanity, or in a view of gaining the favour of the people, as the Roman Emperors did, who as they were raiſed to the throne only by election, had conſequently no better way to maintain themſelves in the poſſeſſion of it, but by flattering the paſſions and gratifying the intereſts of particular perſons.

It looks as if the Romans had always ** [*more care than is generally taken in France to have*] money ready on all emergencies and neceſſities of their affairs to anſwer the occaſions of the State. Such was the *Aurum viceſimarium* mentioned by Pliny; ſuch was the three thouſand pounds of gold which Julius Cæſar ſeized on, as Suetonius relates; and ſuch in fine was the money that Appian ſpeaks of, which had been deſigned for the wars of the Gauls.

The Emperors that moſt diſtinguiſhed themſelves by their wiſdom and abilities, were

[m] *L.* 10. *ff.* De jure fiſci.

[n] Sub bono Principe fiſci ſæpiſſime cauſa cadit.

very

very ſaving of the public money: they laid it down for a maxim that they could not manage their revenue with too much œconomy and frugality [o]; ſince if they ſquandered it away out of any ambitious or other views, they ſhould be obliged to have recourſe to violent and oppreſſive meaſures to bring freſh ſupplies into their treaſury.

The Emperors generally kept immenſe ſums in reſerve. Julius Cæſar by his will left every Roman citizen a legacy of three hundred ſeſterces. Auguſtus left a thouſand crowns to every ſoldier of the Prætorian bands, which were not leſs in number than ten thouſand men; and three hundred crowns to every one of thoſe that ſerved in the legions [p]. He bequeathed likewiſe ſeveral other legacies, ſome of which amounted to twenty thouſand ſeſterces. This Prince had drawn up with his own hand, a particular account of all the revenues of the Empire [q].

When Tiberius Cæſar died, there was found in the Treaſury near an hundred millions of money; which Caligula his ſucceſſor took care to ſquander away in leſs than three years time; an extravagance for which his nephew Nero thought him worthy of his admiration [r].

There muſt certainly have been a vaſt deal of money in the Exchequer at the time of Flavius Veſpaſian's death, if we conſider the length of his reign, his exceſſive avarice, and the great number of exciſes and impoſts that

[o] *Tacit. Annal.* l. 2.
[p] *Suetonius in Julio* 83. *Idem in Auguſto* 102.
[q] *Dion Caſſius, Tacit. Annal.*
[r] *Xiphilinus. Suetonius in Nerone*, c. 30.

he

he had levied upon the people of the Empire. Titus that ſucceeded him muſt conſequently have had ſufficient means to gratify and indulge the generoſity of his nature, and the ſtrong inclination which he had to be bountiful, and which made him look upon every day as loſt, that had not been diſtinguiſhed by ſome remarkable act of his beneficence [r].

The avarice of his father had put him in a condition and ſupplied him wherewithal to be liberal: and if he owed his virtues to nobody but himſelf, he owed however to Flavius Veſpaſian's ſaving talents the exceeding pleaſure he felt in making every day of his reign ſome perſon or other happy; a pleaſure, the value of which he ſeemed well to underſtand, when he ſaid, *That no perſon whatever ought to go away diſcontented from the Prince's preſence or converſation* [s].

There was alſo among the Romans an œconomy that may be conſidered as a kind of fund, which without any real addition to thoſe of the Republic, was however a great reſource for it on occaſion, and enabled private perſons to aſſiſt it with very conſiderable and ſeaſonable ſupplies. I ſpeak of the regulation made by the *Agrarian* Law, concerning the partition and diſtribution of lands. According to the terms of that law, nobody could enjoy and hold above five hundred acres of land, nor more than an hundred head of large cattle, or above five hundred of ſmall. The number too of ſlaves or freed-men, which every one

[r] Amici diem perdidi. *Sueton. in Tito*, c. 8.

[s] Non oportet quemquam à ſermone Principis triſtem diſcedere. *Suetonius in Tito*, c. 8.

might

might have, was regulated, for fear the multitude of ſlaves ſhould increaſe beyond meaſure, and exceed the proportion that it ought to bear to the number of the freemen. This law, though very wiſe in its inſtitution, was the ſource of almoſt all the ſeditions that infeſted Rome, and proved at laſt a main cauſe of the ruin of that flouriſhing Republic [r].

CHAP. XX.

Of the Superintendants of the Revenue among the Romans.

THough the officers of the revenue ſeem to be very different in France, from thoſe who had the management of it among the Romans, yet theſe laſt bore a good deal of reſemblance to the French, in reſpect of their functions.

The Romans had among them Superintendants of the revenue, whoſe names frequently varied: but authors do not well agree with one another as to the time when this office was erected.

Ulpian following the authority of Gracchus Junius, ſays, that in the reigns of Romulus and Numa, there were two Superintendants of the revenue, and that they were choſen by the votes of the people. He adds however, that the more common opinion was, that they owed their inſtitution to Tullus Hoſtilius:

[r] *T. Livius, Appian.* l. 1. *de Bell. Civil.* c. 2.

ſtilius: but Dionyſius of Halicarnaſſus doth not ſay a word upon the ſubject [a].

Pomponius relates, that they were not eſtabliſhed till the revenue came to be increaſed conſiderably [b]: and he places them later in time than the Kings, the Conſuls, the Cenſors, the Dictators, the Tribunes of the people, and the Ædiles. Livy ſays nothing at all of their creation.

Tacitus ſeems to agree with Ulpian, and ſays, that they were inſtituted under the Kings [c]. At firſt the Conſuls had the power of naming them: but the people afterwards aſſumed the choice of theſe officers to themſelves; which happened about ſixty three years after the Monarchical Government was aboliſhed.

Livy obſerves, that the Patricians were at firſt the only perſons capable of being advanced to this office; and ſays, that Valerius Poſthumius and Æmilius Mamercus were the firſt of the Plebeian Order that were ever inveſted with it: which happened, according to Tacitus's account, a little before the ſiege of Veii [d].

Theſe officers went along with the troops into the field, and were not unlike the Intendants of the army in France; only they had

[a] *L.* 1. *ff.* De officio Quæſtoris.

[b] *L.* 2. *ff.* De origine Juris, §. 22.

[c] Quæſtores ſub Regibus etiam inſtituti ſunt, quod lex Curiata oſtendit ab Lucio Bruto reperta; manſitque Conſulibus poteſtas deligendi eos, donec eum quoque honorem populus mandaret. *Annal.* l. 9.

[d] *L.* 4. *n.* 31.

the abſolute diſpoſal of all the money, and regulated all the expences of the war [e].

The buſineſs of their poſt increaſing, two more were afterwards created; whoſe particular province was to take care of affairs at Rome, and they never ſtirred from the city [f]. In proceſs of time, they created likewiſe four others [g]. In ſhort, ſome years after, Sylla created twenty, in order to fill up twenty places, that were vacant in the Senate [h]. This poſt was given at firſt *gratis*; till Dolabella got an ordinance to be made, that ſuch as ſhould be advanced to it, ſhould pay every year out of their own purſe, the charges of the combats of gladiators: but ſome time after they were eaſed of this expence. Plutarch in the Life of Valerius Publicola ſays, that he allowed the people to create two Superintendants of the revenue, the firſt of which were Publius Verrimius and Marcus Minutius, with the power of compelling all the citizens to contribute towards the charges of the war, in proportion to their reſpective abilities; and that they levied at that time an hundred and twenty thouſand ſeſterces of braſs, which were depoſited in the temple of Saturn. This ſhews that there is a good deal of uncertainty as to the original of theſe Superintendants.

[e] Creati ſunt Quæſtores Poſthumius & Mamercus, ut rem militarem comitarentur. *Annal.* l. 9.

[f] Deinde gliſcentibus negotiis, duo additi qui Romæ curarent. *Tacit. Annal.* l. 9.

[g] Mox duplicatur numerus ſtipendiariâ jam Italicâ, & accidentibus Provinciarum vectigalibus. *Ibid.*

[h] Poſt lege Syllæ, viginti creati ſupplendo Senatui, cui judicia tradiderat Sylla. *Ibid.*

However

However it was, two of them only resided constantly at Rome, and these took care to enter in the public Register an account of all receipts and disbursements of money. The others were either in the Armies or in the Provinces, employed in the management of the public revenues, the imposts, and the money that was made of the booty taken from the enemy [i]. They carried along with them a Secretary or Register, who entered all the accounts, and served for a kind of Comptroller.

These officers were called Quæstors till the time of Augustus Cæsar, who allowed the Senate to create and chuse at Rome, Superintendants of the revenue. The Senate, as Suetonius relates, transferred all the power and authority of that office upon the Prætors, and the Prætorians [k]. Tacitus says however, that Augustus gave leave for the chusing of the Præfects to be Superintendants; but that bribery being used to gain suffrages in this election, and the corruption spreading, they were afterwards drawn by lot; and at last, as the lot fell frequently upon persons not well qualified for the post, the Emperor Claudius revived the office of Quæstors [l]. They did not long enjoy their power upon this re-establishment; for the charge soon passed again into the hands of the Præfects and Prætors; and continued a good while in the hands of the latter, whatever Pancirollus says to the contrary: for it is certain that before the reign of Vespasian and his return to Rome, the Super-

[i] *Plin. Jun.* l. 2. Ep. 4.
[k] *Sueton. in Augusto*, c. 3.
[l] *Annal.* l. 13.

intendancy of the revenue was entrusted again to the care of the Prætors [m].

The Quæstors were afterwards re-instated in their office; for Aulus Gellius relates, that in his time the chief direction of the revenue was in the hands of the Præfect of the Treasury, and that it had been transferred from the Quæstors to this Magistrate [n]. Now, as Aulus Gellius lived in the reigns of Adrian and the Antonini, it is very probable that the Superintendants were confirmed under those Emperors.

These Superintendants were called *Præfecti Ærarii*, and had a contentious jurisdiction; for they judged and decided all causes relating to the Exchequer [o].

Vopiscus says, that they were still subsisting in the time of the Emperor Aurelian: which however must be understood of those Præfects or Superintendants that resided at Rome, and never quitted the city [p]. Dion Cassius relates, that Augustus revoked their commission, and sent Procurators fiscal in their stead, who were stiled *Procuratores Cæsaris*. These last took care of levying the tailles or subsidies upon land, the taxes and imposts of all kinds, and in general, all the rights and dues of the Imperial Demesne [q]. They were judges of all

[m] Prætores ærarii (nam tunc à Prætoribus tractabatur Ærarium) publicam paupertatem questi modum publicis expensis posiulaverunt. *Tacit. Hist.* l. 4.

[n] Per Quæstorem intelligi nunc oportet Præfectum Ærario; nam cura Ærarii à Quæstoribus ad Præfectum translata est. *A. Gell.* l. 13. c. 23.

[o] *L.* Cum quidam. *ff.* De his quibus indignis, *&c.*

[p] *L.* 13. *&* 43.

[q] *L.* 12. 5. *L.* Ubi causæ fiscales. *L.* 3. *C. eod.*

disputes

diſputes and differences, wherein the Exchequer was any way intereſted or concerned; and ſometimes alſo they had ſmall Governments. Thus we find that Pontius Pilate was at the ſame time Governor of Judæa, and the Emperor's Procurator fiſcal in the Province.

Such were the various names and employments which the Superintendants of the revenue bore till the reign of Conſtantine the Great, who ſuppreſſed all thoſe names or titles of office, and created two other charges of Superintendant; one of which was ſtiled *Comes ſacrarum largitionum*, and the other went under the denomination of *Comes rerum privatarum*. The firſt had the adminiſtration of all the public money; the ſecond had the direction of the Imperial Demeſne. The former paid the bounties and largeſſes of the Emperor, which before Aurelian's time were diſtributed by certain officers called *Quæſtores Candidati*; to whom ſucceeded the *Quæſtores Ærarii*, who were inſtituted (as we are informed by Lampridius) by the Emperor Alexander Severus, and continued till the time of Conſtantine. This great officer was ſtiled *Comes*, a new title of honour created by the laſt mentioned Emperor, and annexed by him to the principal and moſt diſtinguiſhed offices of the Imperial Houſhold, ſuch as that of *Comes domeſticorum equitum & peditum*. He was called *Comes largitionum*, becauſe the greateſt expence in which the Emperors were involved after the change of the Commonwealth into a Monarchy, was the largeſſes which they were obliged to make from time to time, to gain and preſerve the good-will of the people [r].

[r] *Zoſimus*, l. 2.

This officer was honoured with the ſtile of *Illuſtrious*, a diſtinguiſhed title, which was only given to the twelve principal officers of the Crown, as may be ſeen in the *Notitia Imperii*. The arms of his office were a red book upon a table, on the back whereof was repreſented a golden head of the Emperor between the edges which were of gold; the cover of the book was of ſilver, with borders of gold in the angles and extremities: underneath was engraved the word *Largitiones*, with ſeveral pieces of gold and ſilver coin; and ſome veſſels or little coffers that ſeemed full of the like pieces.

CHAP. XXI.

Of the Officers employed under the Superintendant of the Revenue.

THERE were in the Provinces ſeveral officers to receive and execute the Superintendant's orders, who were diſtinguiſhed by the name of *Palatini* [a].

There were alſo ſix officers called *Comites largitionum*, whoſe diſtricts were allotted in the Eaſt, in Egypt, Thrace and Macedonia: they paid the troops, and had only the title of *Perfectiſſimi* [b]. Their juriſdiction was much of the ſame nature as that which the Court of Aides and the Chamber of the Treaſury en-

[a] *L.* 1. *C.* De offic. ſacrarum largitionum.
L. 3. *C.* De diverſis officiis.
[b] *L.* 3. *C.* De militari veſte.

joy

joy at preſent in France [c]. They went likewiſe by the name of *Rationales*, and were entruſted with the care of levying the impoſts and exciſes.

It may not be improper juſt to take notice on this occaſion, that there were among the Romans five titles, which regulated the ranks of the perſons to whom they were given, or to whoſe office they were annexed. The firſt was that of *Illuſtris*; the ſecond that of *Spectabilis*; the third that of *Clariſſimus*; the fourth that of *Perfectiſſimus*; and the fifth that of *Egregius*.

The officers, honoured and diſtinguiſhed by the title of *Comites largitionum*, ſucceeded to the *Procuratores Cæſaris*, which had been inſtituted by Auguſtus [d].

The Superintendant had likewiſe under him ſeveral Intendants or Commiſſioners of trade and commerce, called *Comites commerciorum*. They were the perſons that provided and bought the furniture, goods, ſtuffs, and jewels for the Emperor's houſhold: and are called in the Code by the name of *Negotiatores* [e].

There were four Directors or Intendants of commerce; one in the Eaſt, who ſerved alſo for Egypt; one in Myſia; another for Scythia and Pontus; and the fourth in Illyria. Theſe are likewiſe ſtiled *Merchants* in the Code [f].

[c] *L.* Ubi cauſæ fiſcales agi debeant.
L. 13. *C.* Finium regundorum.
[d] *Dion Caſſius*, l. 53.
[e] *L.* Negotiatores. *C.* De excuſat. munerum.
[f] *L.* 5. *C.* De Epiſcopali, & *L.* 1. *C.* De mercatoribus.

The Director of commerce in the East purchased silk, pretious stones and wool; a pound of silk was at that time worth a pound of gold. He bought also drugs and perfumes in Egypt [g].

These Intendants of commerce had salaries from the State. There was only one of them in the West, who was fixed and resided in Illyria [h].

The Treasurers or Receivers general of the revenue depended also on the Superintendant [i]. The offices of these general Receivers were called *Metropoles* or *Stationes*. A purchaser had all manner of security in what he bought, not only with regard to the officers of the general Receipt for the district in which the thing sold was situated, but likewise with regard to all others. If the Exchequer succeeded ro a creditor who had dwellings in different general Receipts, the sureties were cleared and recognizances cancelled. These Receivers or Treasurers were called *Thesaurarii* [k].

The Great Master or Director general of the mines was likewise subordinate to the Superintendant of the revenue. This officer took care of the payment of all that was due to the Emperor on account of metals that were got out of the mines [l]; and he received for the gold that was found on the sides of rivers or dug in the mines, at the rate of seven or eight

[g] *L.* 2. Quæ vendi non possunt. *Vopiscus in Aurel. Plin.* l. 3.

[h] *L. unic. C.* De Annonis.

[i] *Joseph. Antiq. Judaic. L.* 1. *C.* De Compens.

[k] *L.* 1. *C.* Ne fiscus. *L. Diu. C.* De Susceptoribus & Arcariis, & *L.* 15. *C. Theod.* De diversis officiis.

[l] *C.* 2. *D. L.* Per annos. *C.* De Metallis.

scruples

ſcruples (*i. e.* ſeven or eight four and twentieths of an ounce) in the pound. The payment of this duty was made in gold duſt, and not in gold refined [m]. The firſt was called *Aurum in Balucca*; the ſecond ſort was ſtiled *Aurum obrizum*; and the ſcrapings or parings of gold were termed *Aurigia*.

The Great Maſter or Intendant of the mines was created and reſided generally in Illyria, where there were abundance of mines that afforded great quantities of gold [n]. Caſſiodorus writes, that they were diſcovered and firſt began to be worked in the 592d year after the foundation of Rome: and Pliny ſays, that in Nero's time they got out of them above fifty pounds of gold a day [o]. This officer had ſeveral clerks or agents under him, who were employed in Myſia, Macedonia, and Dacia.

In the Weſt, this Director of the mines was called *Comes auri* [p]: and the Emperor Valentinian writing to him, gives him the title of *Laudabilitas tua*.

The Intendant of the Treaſury in Egypt, who is ſtiled *Comes rationalis Ægypti*, depended in like manner upon the Superintendant of the revenue. He had the management and ordering of the Eſcheats, the duties on commodities exported and imported, and of all kinds of merchandiſe that came from Arabia; which coſt an infinite deal of money, according to

[m] *L.* 1. *C.* De Metallis. *L.* Pollux.
[n] *Tit. Liv. Decad.* 6. l. 5.
[o] *L.* 33. *c.* 4. *L.* Procuratores. *C.* De metallariis. *L.* 7. *C. Theod.* De Metallis.
[p] *L.* 1. *C.* De metal. Largit.

Pliny;

Pliny [q]; and the duties whereof, in proportion amounted to very conſiderable ſums [r].

There were in the Weſt eleven of theſe Intendants called *Rationales*, or *Procuratores Cæſaris*. In the Eaſt there was none but the Intendant of Egypt; for the buſineſs of the charge was done by the Provincial officers ſtiled *Comites largitionum*. Tacitus takes notice of ſeveral inſtances to this purpoſe [s].

The Intendant of the linnen was alſo ſubordinate to the Superintendant of the revenue. This poſt took in a vaſt diſtrict: and the officer inveſted with it in the Weſt was called *Comes Veſtiarii* [t].

Beſides theſe there were alſo Great Maſters of the Wardrobe, ſtiled *Rei privatæ Magiſtri:* who were alſo under the direction, and ſubject to the orders, of the Superintendant of the revenue [u].

The Intendants of the manufactures, who were called *Procuratores Gynecæorum*, and had the inſpection over all the workmen employed in making the Emperor's ſtuffs, were alſo under the direction of the Superintendant of the revenue [v].

There were in the Weſt fifteen of theſe manufacturies of ſtuffs, and conſequently fifteen Intendants.

[q] Pluſquam millies centena millia ſeſtertium abſumebant. *Plin.* l. 22. c. 18.

[r] Millies quinquagies centena millium aureorum & amplius. *Ibid.*

[s] *L.* 4. 18. 12. *Lamprid. in Alexandro.*

[t] *L.* Siquis ex corpore, *C.* De Murilegiis.
L. Veſtis. §. 1. *ff.* De auro & argento legato.

[u] *L.* 2 *C.* De Murilegiis. *L.* Privatæ. *C.*

[v] *L.* 1. *C.* De Veſte.

The

The Intendants of the Dye-houſes depended likewiſe on the Superintendant of the revenue. There were ſeveral of them, and they were called *Procuratores Baphiorum*. There was one particularly fixed at Tyre in Syria. Theſe Intendants and the workmen employed in the dying manufacture gave ſecurity at their admittance into their office or buſineſs [w].

The Intendants of the Mint were in like manner ſubordinate to the Superintendant, according to Caſſiodorus. They were ſtiled *Procuratores Monetarum*, or *Æris Magiſtratus* [x].

To ſay in this place ſomething of their money: Six *Aurei ſolidi* made an ounce, and ſeventy two made a pound of gold, which conſiſted of twelve ounces. Conſtantine the Great cauſed a croſs to be engraved on the reverſe of his coin, and raiſed the ounce of gold to ſeven *Solidi* [y].

Lampridius relates, that the Emperor *Heliogabalus* had cauſed pieces of gold to be coined that weighed two pounds; but that Alexander Severus called them in, and had them all melted down to be coined into ſmaller pieces of the value of half a *Solidus*, or half a crown, and of the third part of a *Solidus* of gold, for the convenience of the people, and the more ready and eaſy payment of the tailles and ſubſidies, becauſe a great many perſons ſubject to thoſe taxes were to pay only the third part

[w] *L.* 2. *C.* Privatæ. *C.* De Murilegiis. *Lamprid. in Alexandro. D. L.* 2. *L.* 19. *vet. C.* De veſte holoſerica. *Euſebius Hiſtor. Eccleſiaſt.*

[x] *L.* 1. *C.* De Annonis.

[y] *L.* 2. *Cod. Theodoſ.* De pondere auri. *L. vet. C.* De veteri poteſtate. *L.* 1. *C. Theod.*

or

or the half of a *Solidus* of gold; amounting the one to the eighteenth, and the other to the twelfth part of the ounce of gold [z].

The pound of silver weighed a *Mina*, and contained ninety-six drachms, or ninety-four *Denarii*. It was divided like that of gold into twelve ounces, the ounce into two *Stateres* or half ounces, the *Stater* into two *Sicilici*, and the *Sicilicus* into two drachms [a].

A *Solidus*, or crown of gold called *Solidus* or *Aureus*, was equal in value to two ounces of silver: but the Emperor Valentinian sunk the silver, and ordered that five *Solidi* of gold should pass in payments for the value of twelve ounces or a pound of silver [b].

The ounce of silver was worth ten pounds of brass; and twenty pounds of brass money was equal in value to a *Solidus* of gold [c].

The heads of the Emperors were engraved upon their coin. The coiners and their children were tied down to the mint in which they worked. These mintmen, in the Emperor Aurelian's time, coined false money, murdered their Intendant, and raised an insurrection. The people of the Provinces were obliged to furnish coal for the forges of the mint. It is not certainly known how many mints there were in the East, but there were six in the West [d].

[z] In Alexandro, *l.* 3. De militari veste. *L.* Jubemus. *C.* De erogat. militaris annonæ.

[a] *Plin.* l. 33. c. 9.

[b] *L.* Quoties. *C.* De susceptor. *L.* 1. De argenti pretio.

[c] *L.* 1 De collat. æris.

[d] *L.* 2. *Cod. Theod.* De ponderib. *&c. L. ult.* De veteris nummi potest. *L.* 1. *C.* Edicimus, *& L. ult.* De Murileg. *&c. Suidas, Aurelius Victor, Vopiscus, Eutropius. L.* 2. De excusat. munerum.

The

The Intendants of the Imperial carriages were ſubject to the orders of the Superintendant of the revenue: they were called *Præpoſiti Baſtagarum* [e].

The Directors of the flax, called *Procuratores Linificiorum* or *Lympharii*, were alſo ſubordinate to the Superintendant. Their function or buſineſs was to gather the flax, to keep it, and to buy it, before it was worked in any manner [f]: they were looked upon as little better than ſlaves. It is uncertain how many there were of theſe Directors in the Eaſt; but there were two in the Weſt, the one at Vienna, the other at Ravenna.

CHAP. XXII.

Of the Offices that depended on the Superintendant of the Revenue.

THERE were under the Superintendant eleven Offices, which the Romans termed *Scriniaria*.

The firſt was the office for the receipt of gold, called *Scrinium Canonum*. *Canon* here imports the ſame thing as tribute; and is the quantity of gold which was taken out of the taxes raiſed upon the people, and carried to the General Receiver's office or to the Exchequer, and what is called in France the ſhare of

[e] Baſtaga eſt onus transferendi res publicas vel Principis. *L.* 3. *Cod.* De Cohortalibus.

[f] *L.* 1. *C.* De quibus muneribus. *L.* Siquis. *C.* De Murileg.

the

the Royal Treasury. The *Præfectus Prætorii* kept part of the taxes in his hands to pay the local charges [a].

The first Commissioner of the office of the Receipt of gold, had the title given him of *Perfectissimus*. The second was called *Ducenarius*, that is to say, commander of two hundred men, clerks or soldiers. The third was stiled *Centenarius*, as having one hundred men under him. Next to these were the Secretaries, called *Epistolares*, who upon the Superintendant's orders wrote all the letters about levying the taxes and duties that were sent to the Governors of the Provinces. They had all salaries from the State, and were ten in number, but there were two of them above the rest. The sixth Commissioner of this office was sent every year into Phœnicia, to hinder the clandestine commerce for purple [b].

The second office consisted of Registers, Comptrollers, or Keepers of the Rolls, stiled *Tabularii* [c].

The function and business of these officers consisted in drawing up the bonds, leases, recognizances, and other instruments for every thing that any way related to the revenue, the acquittances for such as were accountable to the Exchequer and paid their assessments for the tailles. There were a vast number of people employed in this office. The chief of them was called *Primicerius*, and bore the title of *Perfectissimus*. The second was called *Cente-*

[a] *Justin. Edict.* 4. §. 1. *L.* Placet. *L.* 1. *C.* De Prædiis. *L. ult.* De Canone. *Novell.* 162. §. 1.

[b] *L. Vet C.* De vestibus holosericis.

[c] *L.* 3. *C.* De Tabulariis, & *L.* 9. *ff.* De Legatis.

narius,

narius, becauſe he had an hundred perſons under him; and was diſtinguiſhed with the ſame title of honour as the firſt.

There were nine other officers or Clerks, who were employed in the diſpatches of the office, and had different ſalaries or ſtipends according to the degrees of their poſts [d].

The third office was compoſed of Commiſſioners appointed to take care of the accounts, and called *Numerarii*. They drew up the ſtate of the revenue, with the accounts of receipt and expence; called all that were charged with any receipt to account; and exerciſed almoſt all the functions of the officers of the *Chambre des Comptes* at Paris. There were ſeveral degrees of officers in this office; they were advanced to them gradually, and when they came at laſt to be chief or firſt Commiſſioners, they had the privilege of being exempted from furniſhing horſes, and ſending to the war any of that young militia which were called *Tirones* [e].

The fourth office was that of the Commiſſioners appointed to take care of the gold bullion: and all the gold that was in ingots, or uncoined, was entered in the Books or Regiſters of this office [f]. We ſee by a law of the Emperor Gratian's, that there were four ranks or *claſſes* of Commiſſioners or Clerks in this office. The firſt kept an account of the gold in bullion; the chief of theſe was called *Primicerius Maſſæ*, and was honoured with the title of *Perfectiſſimus* of the third rank. He

[d] *L.* 7. *C.* De Palat. ſacr. largitionum.
[e] *L.* Palat. *C.* De Palat. ſacr. largitionum.
[f] *L.* Quintus. §. *ult. ff.* De auro & argento legato.

that

that was at the head of the ſecond claſs, had likewiſe the title of *Perfectiſſimus*. The firſt of the third claſs was called *Tertiocerius*, and he of the fourth *Quartocerius*. Beſides theſe, and inferior to them in place and dignity, there were ſix other officers, and four Secretaries, whoſe employment was to write letters to the Governors of Provinces.

The ſecond claſs of this office was compoſed of ſuch as were concerned in manufacturing gold ſtuffs for the ſervice of the Emperor.

In the third claſs an account was kept of all the ſpecies of gold that were coined every day: And in fine, the fourth claſs was compoſed of goldſmiths employed in making rings, bracelets, and other ornaments, veſſels, and all kinds of plate in gold [g].

The fifth office conſiſted of ſuch as diſtributed and kept accounts of the gold aſſigned for the charge and expence of the Expreſſes which the Emperors and the Generals had occaſion to ſend into the Provinces and to the armies. It was ſtiled the *Scrinium auri ad Reſponſum*, becauſe the orders of the Emperor and the Miniſters were termed *Reſponſa*; and it is for this reaſon that *ſervire ad Reſponſum* ſignifies to exerciſe the function of a Courier of the Cabinet [h]. There were in this office a great many Commiſſioners, Clerks, or Officers, ſome of which had the title of *Perfectiſſimi*.

The ſixth office was that of the Wardrobe. There were in it three claſſes of writers and officers.

[g] *L.* Scrinii. *C.* De Palat. ſacr. largit.
[h] *Procopius* De bello Vandalico.

1. Such

1. Such as took care of the cloathing of the troops, and kept an account of the cloaths which the people were obliged to furnish for the soldiers, and of those which were issued out of the office, and delivered to the Colonels and Generals of the army.

2. Such as had the charge of the Wardrobes of the Emperor and the Empress.

3. The Writers who entered in books whatever the other Clerks or Commissioners dictated.

The seventh office was that of the Emperor's silver plate, and was stiled *Scrinium ab argento*.

In the eighth office were the workmen employed in making gold rings, and a sort of silver money, called *Milliarensis*, of the value of a tenth part of a crown or *Solidus* of gold, and worth about two pence of our money. As it served for the payment of the troops, there was a vast quantity of it coined.

The ninth office was composed, 1. Of such as kept accounts of the quantity and number of the pieces of gold and silver that were coined at the mint. 2. Of those that went by the name of *Vascularii*, and made the Prince's plate. 3. Of the money-changers, called *Argentarii*. 4. Of such as engraved, carved, and wrought the plate, who were stiled *Barbaricarii*. There were abundance of places and employments in this office [k].

The tenth office was composed of the Registers that wrote down and entered all the

[i] *Suidas, Cedrenus in Leone Iconomach.*

[k] *L. penult. ff.* De auro & argento legato.
L. Scriniis. *C.* De Palat. sacr. largitionum.

Acts of the Superintendant of the revenue, and the Judgments which he gave in cases that came before him. There was likewise a great number of officers employed in this business.

In fine, the eleventh office was that of the officers stiled *Mittendarii*, who were dispatched on occasion into the Provinces to press the Governors to levy the subsidies and taxes. These officers were very numerous; and amongst the rest there was one that had the direction of the carriages and vehicles; that settled and prescribed the roads to be taken; and that sent his orders to the seamen, and the guides or furnishers of horses and beasts of burden [1].

CHAP. XXIII.

Of the Superintendant of the Demesne.

THE Superintendant of the Imperial Demesne was called *Comes rerum privatarum*. Spartianus says, that this office was erected by the Emperor Severus [2]. He had the administration and direction of all the Demesne, the escheats, confiscations, and other rights and dues belonging to the Exchequer; particularly of all grants, instruments and let-

[1] *D. L. 7. C.* De Palat. sacr. largit.
L. ult. C. De exact. tribut.
L. 7. §. 1. Quod cujus univers. nomine.

[2] Interfectis innumeris Albini partium viris, omnium bona publicata sunt, ærarium auxerunt, tumque primum privatarum rerum procuratio constituta est. *L. 4. C.* De fundis Reipub. *L. 11. C. 1.*

ters

ters that concerned the Demeſne in Aſia, Cappadocia, Pontus, Meſopotamia, *&c.* [b]

This Superintendant was dignified with the title of *Illuſtrious*. His juriſdiction took in every thing that any way related to his charge, or affected the Demeſne. Before he was graced with the honourable title of *Comes*, he was ſtiled the *Procurator Cæſaris*. He was alſo called *Magiſter rei privatæ*. He took cognizance of the violation of tombs and ſepulchres, of inceſts, of the corruption of judges, of the exactions, extortions and violences of apparitors and ſerjeants, and of every thing that concerned the navigation of rivers. He payed the workmen employed in the Emperor's ſervice, and made all the diſburſements for the expence as well of his houſhold, as of that of the Empreſs [c].

He had a great many ſubaltern officers under his direction in the Provinces, called *Procuratores Rationales* [d].

Though the denominations *Ærarium* and *Fiſcus* are very often confounded and uſed indiſtinctly by authors, yet the office of the Superintendant of the revenue for the receipt of money was properly called the *Ærarium*, or Treaſury, and that of the Superintendant of the Demeſne *Fiſcus*, or the Exchequer. This laſt had in the Provinces officers that kept re-

[b] *L.* Hi quibus. *L.* Omnes *C.* De fundis patrimonial. *Novell.* 20 & 30. *L. ult.* De collat. fundorum patrimon.

[c] *Caſſiodor.* l. 6. c. 8. *L.* 1. *ff.* Procurator. Cæſaris. *L.* Ad fiſcum. *C. L.* Qui contra *C.* De inceſtis nuptiis. *Novell.* 124. §. 2. & *antepenult. Caſſiod.* l. 4 c 9.

[d] *L.* Procurator. *C.* De edendo. *L.* Sup. creandis. *C.* De jure fiſci.

giſters of all his acts, proceedings, and deciſions; and in the Court of his juriſdiction, there was a certain number of Advocates, who were diſtinguiſhed with the title of *Clariſſimi*[e].

The arms of the Superintendant of the Demeſne were a book laid upon a table covered with a carpet. On the left of it was repreſented the Treaſury-cheſt, and all the field was filled with pieces of gold coin, and veſſels that appeared full of various kinds of money.

CHAP. XXIV.

Of the Officers that depended on the Superintendant of the Demeſne.

THE Superintendant of the Demeſne had a great many officers under him in the Provinces, called *Comites Rationales*, or ſimply *Rationales*, or *Procuratores*.

The function of theſe officers conſiſted in bringing in, annexing, and incorporating to the Demeſne the goods, eſtates, and dues belonging to the Exchequer; particularly ſuch as had devolved to it by confiſcation.

If the detainers thereof did not appear within thirty days after a *Sub-pœna* or aſſignation ſerved upon them, theſe officers ſeized the goods and entered on the eſtates[a]: the poſſeſſor however, if he appeared afterwards and applied to

[e] *Plin. Jun. in Panegyrico. L.* 2. §. Hoc interdictum. *G.* Ubi cauſæ fiſcales. *L.* 4. *C.* De numerariis.

[a] *L. ult. Cod.* De Delat.

the

the Court, was heard, upon paying four crowns of gold for his neglect or contumacy in not appearing on the aſſignation.

When they made a diſcovery of any goods that belonged to the Exchequer, they drew up exact declarations thereof ſpecifying all the particulars, and incorporated them into the Imperial Demeſne, by putting upon them the Emperor's arms [b]. It was then ſtrictly forbidden all perſons to petition, apply or ſollicit for grants thereof.

Theſe officers were judges of all cauſes, wherein the Demeſne and every thing relating to it was intereſted or concerned; but the Advocate of the Exchequer was neceſſarily to be preſent. With regard to criminal affairs wherein the farmers of the revenue were concerned, it was the Governor of the Province that took cognizance and decided in ſuch caſes [c].

Theſe ſubaltern officers had ſerjeants and apparitors under them; and were paid their ſtipends and ſalaries by the Treaſury. They had the care and direction of the goods, lands and revenues formerly appropriated to the worſhip and ſervice of falſe Deities, and afterwards applied or given to Chriſtian Churches; with an entire and abſolute juriſdiction over ſuch eſtates [d].

They had an authority over the waggoners and carriers of the Imperial houſhold, and

[b] *L.* Si quando. *C.* De bonis vacantibus toto. *Tit. C.* De petitione bonorum ſublata.

[c] *L.* Ad fiſcum. *C.* Ubi cauſæ fiſcales. *L. ult. C.* Si adverſus fiſcum. *L.* Cum aliquid. *C.* Ubi cauſæ fiſcales.

[d] *L.* In fiſcalibus & de exact. tribut. *L.* Officiales. *C.* De Epiſcopis & Clericis. *L. penult. C.* Ubi cauſæ fiſcales. *L.* 4. *C.* De fundis rei privatæ.

over the Prince's flocks and herds of cattle, and ſtuds of horſes [e].

The Inſpectors or Maſters of the Foreſts were alſo ſubordinate to the Superintendant of the Demeſne. He had likewiſe the inſpection over the accounts of the Sacred Demeſne inſtituted by the Emperor Anaſtaſius, as we are told in the *Baſilicæ:* and even the Great Conſtable, or the Emperor's Maſter of the Horſe, was ſubject to his orders [f].

CHAP. XXV.

Of the Officers called Palatini, *depending on the Superintendant of the Demeſne.*

THE Serjeants or Apparitors ſtiled *Palatini* had the care of the Emperor's patrimony, and of the effects or eſtates that were confiſcated or belonged to the Exchequer [a]. They were diſtributed into four offices.

The firſt was for the ordering and management of eſtates given and granted to the Churches; and was ſtiled the *Scrinium Beneficiorum.* This was the office likewiſe for entering and regiſtering privileges [b].

The ſecond office was compoſed of ſuch as were charged with getting in the fines that

[e] *L. unic. C.* De grege Domi.
[f] *L. ult. Cod Theod* De privilegiis Corporatorum. *L.* 1. *C.* De paſcuis publicis, *&c.*
[a] *L.* 1. *& ult C.* De Palat. ſacrarum largit.
[b] *L. ult.* §. Quam. *C.* De Quadri. prob. *L.* 4. *ff.* De condit. Princip.

were

were payable for long leaſes, and the annual rents of eſtates [c].

The third was the office of diſcharges, where they delivered out all acquittances. This was termed *Scrinium Securitatum* [d].

The fourth was that of the private bounties and largeſſes, *Scrinium largitionum privatarum* [e]. In this office was kept an account of all that the Emperor gave away, and alſo of the wages and ſalaries that he paid to his own officers and to thoſe of the Empreſs. In this office likewiſe were paid the new-year's-gifts to the Advocates on the firſt day of January; and nobody could be admitted into this office, without an order in writing under the Emperor's own hand [f].

CHAP. XXVI.

Of divers ſubaltern Officers employed likewiſe in the Revenue.

THE *Decuriones* or Magiſtrates of towns had a great hand in the management of the revenue: they were like our Aldermen and Common-Council of Corporations; and neither they nor their children could alter their condition and way of life, nor change their dwelling by removing to any other country or

[c] *L.* 9. 10. *C.* De fund. patrim.
[d] *L.* 1, 2, 3, 4. *C.* De Apochis. *Caſſiodor.* l. 11. c. 2.
[e] *L.* Palatinos. *C.* De Palat. ſacrar. largitionum.
[f] *L.* Scriniis. *C.* De diverſis Officiis.

place of habitation [a]. If they died without leaving any children behind them to enjoy their effects and inherit their estates, a fourth part of what they left belonged to the Corporation [b].

They farmed out the lands of the Demesne, and set the public works to the cheapest undertaker.

The first ten of them levied the tailles and subsidies, and were bound to have the payments compleat, or in case of failure to supply the deficiency [c].

They had the care and management of all estates and effects left by will to the Republic. They were charged with laying in provisions of corn, and with the regulation and ordering of the subsidies. They settled the assessments and fixed the quotas of the contributors; and those among them, to whose particular province these assessments belonged, were distinguished by the names of *Censitores Peræquatores* [d].

These *Censitores* had the administration of all the public revenues: they paid the salaries of the Physicians, Grammarians, Orators and Philosophers; and they were also the persons that chose them, in the presence of the Governor of the Province [e].

Besides these, there were also Collectors of the tailles or subsidies upon land, called *Ex-*

[a] *Novell.* 38. De Decurionibus.
[b] *L.* 1 & 2. *C.* Quando & Quibus, *quarta pars.*
[c] *L. final. L.* 1 & 3. *ff.* De muneribus & honoribus.
[d] *Ibid.*
[e] *L.* 2 & 5. *ff.* De administrat. *C.* De Censitor. & Peræquatoribus.

actores

actores or *Subſcriptores*. They were picked by the *Decuriones* or Magiſtrates of Corporations either out of the body of *Cenſitores* or of the People. Theſe Collectors, in the preſence of the Magiſtrates of a town, took an account of the lands which each particular perſon poſſeſſed, and of what every one was to pay [f]: but the Magiſtrates, in caſe the Collectors proved inſolvent, were anſwerable to make good the deficiency. They ſettled alſo and levied the perſonal tailles and rates.

The manner of laying and levying the ſubſidies and other taxes upon land, at leaſt as far as the Code enables us to form a notion of the matter, was as follows.

In the month of Auguſt, the Emperor gave the *Præfecti Prætorii* a computation containing the ſum of money and quantity of proviſions that he ſhould want for the enſuing year. Purſuant to this calculation the *Præfecti Prætorii*, who were uſually four, drew up each of them commiſſions for what his reſpective diſtrict was to furniſh; and then having made repartitions thereof into the ſeveral Governments depending upon them, they directed them to the Governors. This cuſtom has a good deal of reſemblance with what is practiſed in France with regard to the King's eſtabliſhments, which are delivered to the Receivers general in order to raiſe the money.

Theſe Commiſſions or Briefs of the tailles or ſubſidies were ſtiled *Delegationes* or *Delegatoriæ*. The Governors in their turn made another ſubdiviſion of the groſs ſum; and ſent

[f] *L.* Exactores. *C.* De Suſceptoribus.

them

them to the *Decuriones* or Magiſtrates of towns in their Government. Theſe made choice of aſſeſſors to fix the rates of particulars; and then the rolls were delivered to the Collectors to get in the money; which was conſtantly paid at three terms, the firſt of September, the firſt of January, and the firſt of May [z].

When the money was received, it was ſent from the particular towns (which were called *Metrocenuæ*, and anſwered to what is termed *Elections* in France) to the capital city of the Province, the place of the Governor's ordinary reſidence, diſtinguiſhed on that account by the term of *Metropolis*. It was in this Capital, that the general office of Receipt was always kept. One part of this money was appointed for diſcharging the local eſtabliſhment and charges of the Province; another part was carried to the cheſt of the *Præfectus Prætorii*, and applied to the buſineſs and occaſions of his poſt; and the reſt was paid into the Treaſury called *Sacrum Ærarium*.

With regard to proviſions, as corn, wine, barley, bacon, hay, ſtraw, *&c.* when they were levied, they were put into magazines, built expreſsly for that purpoſe, and under the direction of the *Præfectus Prætorii*.

We are informed by Julius Capitolinus, in his Life of the younger Gordianus, that Miſitheus, one of the *Præfecti Prætorii*, had laid in ſuch large magazines of corn, bacon, vinegar and ſtraw in the capital towns of the Provinces under his Præfecture, that they were ſufficient to ſupply and maintain an army for a year.

[z] *L.* 1 & 2. *C.* De indictionibus.
L. 7. 15. *C.* De erogatione militaris Annonæ.

And

And Spartian relates, that the Emperor Severus left at his death the ſtorehouſes and granaries ſo plentifully provided, that there were proviſions enough for ſeven years, at the rate of a conſumption of ſeventy-five thouſand buſhels of corn a day; and ſuch a quantity of oil, that it was enough to ſupply all Italy for five years.

As for what accrued to the Demeſne from confiſcations, forfeitures, ſeizures, eſcheats, ſucceſſions that had no certain heir, caſualties and the like, it was all carried to the receipt of the Exchequer, which was under the direction of the Superintendant of the Demeſne.

There were a great many other officers employed in the collection and getting in of the revenue: as the Treaſurers, *Theſaurarii*, who were the Receivers general; the Caſhiers, called *Arcarii*, who had the cheſts of ready money in their keeping; ſuch as were concerned in getting it in, who were ſtiled *Opiniones* or *Opiniatores*; ſuch as were ſent to preſs the remittance of the money, named *Canonicarii*; ſuch as ſerved to guard and convoy them, called for that reaſon *Perſecutores*; ſuch as ordered and iſſued out warrants for ſeizure or diſtreining, who were termed *Compulſores*; the weighers of the money, called *Zigoſtatæ*; the Clerks that kept the books and regiſters of the ſubſidies or tax-rolls, *Cenſuales*; and the Receivers, of which there were two in every Province, that went by the denomination of *Suſceptores*.

The END *of the Treatiſe of the Revenue of the Romans.*

TREATISE

OF THE

FALSE MONEY

OF THE

ROMANS,

According to the Principles of the CIVIL LAW.

SOvereign Princes have ever conſidered the power of coining money as one of the faireſt rights of their Crown: and have accordingly in all ages decreed very ſevere penalties againſt ſuch as have invaded it in any reſpect. The Roman Emperors were not leſs rigid than others in this point: and as the wiſdom of their laws is now the admiration of the moſt civilized and beſt regulated nations, we ſhall here give an account of the ordinances they have made upon this ſubject. To do it methodically, we ſhall divide this Treatiſe into two parts. In the firſt we ſhall explain the different manners in which the crime of falſifying or counterfeiting the coin may be incurred; and what there is particular in this crime. In the ſecond we ſhall ſpeak of the penalties denounced and enacted againſt falſe coiners and their accomplices.

PART

PART I.

OF all the ſeveral kinds of forgery, that which is practiſed with regard to the coin, is undoubtedly of the moſt criminal and pernicious nature. For as it belongs only to Crowned Heads to coin money, the coining of any by a man's private authority, or the altering of that which hath been ſtruck by the Prince's orders and commiſſion, is a ſort of aſpiring to the throne, and violating the Majeſty of the Sovereign in the moſt ſenſible part, and is univerſally deemed to merit the appellation and pains of the crime of High Treaſon.

According to the Roman Laws, the crime of falſifying the coin was committed in ſeven different manners. 1. By the coining of ſpecies of money in other places than thoſe which were appointed by the Prince for this purpoſe, tho' the pieces coined were of a good alloy and a juſt weight[a]; unleſs the coiners thereof had procured a ſpecial permiſſion from the Emperor for their warrant. In truth, there was a time when the Prince granted ſome private perſons a commiſſion to coin money wherever they thought fit: but as theſe grants were found to be prejudicial to the State, and to interrupt the courſe of commerce, Theodoſius the Great revoked them all, and forbad ſuch as had obtained them to make uſe of their privilege any longer, on pain of being treated

[a] *L.* 3. *Cod. Theod. Tit.* De falſa Moneta.

as falſe coiners [b]. We do not want examples of the like grants in the hiſtory of France; eſpecially in the times when our Kings, being not yet firmly ſeated in their throne, thought it beſt to yield up part of their rights, to preſerve the reſt: but they were all at laſt revoked for the ſame reaſons. Choppin relates, that Robert, Count of Beauvais, ſurrendered his right to the King, in conſideration of the ſum of ſix thouſand livres. But it would be exceeding the limits we have ſet ourſelves in this treatiſe, to enlarge further upon this ſubject.

2. People incurred the guilt of the crime of falſe coining, if they ſtruck even in the Royal Mints any ingots of gold that were brought them by private men without the Prince's orders [c]. On occaſion of this law it may not be improper to remark, that the Roman Emperors were jealous of gold to ſuch a degree, as frequently to forbid the uſe of it to their ſubjects. Procopius and Zonaras relate, that there was an univerſal prohibition in all the Provinces of the Roman Empire of coining gold. Theodoſius the Great made a law, that no Magiſtrate whatever, except the ordinary Conſuls, ſhould make any diſtribution or preſent in gold, whenever they gave plays to the people, or took poſſeſſion of their dignities and employments [d]. At laſt Juſtinian forbad the Conſuls themſelves to throw any gold to the people in the public ceremonies [e], and the Emperors reſerved this right to them-

[b] *Ibid L.* 10. *Tit.* De falſa Moneta.
[c] *L.* 7 & 8. *Cod. Theod. Tit. eod*
[d] *L.* 1. *Cod. Theod. Tit.* De expenſis ludorum.
[e] *Novell.* 105.

ſelves

ſelves alone, as a diſtinguiſhing mark of the Imperial Majeſty. As for ingots of ſilver, private men were allowed to carry them to the Mints, and there have them coined. This appears clearly from the two laws, the ſeventh and the eighth juſt before quoted.

3. The crime of falſe coining was committed by the coining of ſpecies, that were falſe either in their matter or weight [f].

4. It was incurred likewiſe by falſifying the Emperor's image or the inſcription put with it upon his coin [g].

5. By melting down the ſpecies that were coined, ſince by that means the circulation of money was interrupted, and commerce ſuffered a prejudice [h].

6. By refining or altering the money called *Majorina Pecunia*. This money was a compoſition of ſilver and copper, and the refiners who melted it made uſe of *Aqua regia* to ſeparate the ſilver from the copper [i].

7. When ſuch as coined money by the Prince's expreſs permiſſion, made it either weaker, lighter, and leſs weighty than it ought to have been; or when they clipped, filed, or any way waſted that which had been already made and legally ſtamped, in order to leſſen the juſt weight which it ought to have [k].

[f] *L.* 2. *Cod. Theod. Tit.* De falſa Moneta.

[g] *L. unica Cod. Theod. Tit.* Siquis ſolidi circulum circumciderit.

[h] *L.* 1. *Cod. Theod. Tit.* Siquis pecunias conflaverit.

[i] *Leg.* 6. *Cod. Theod. Tit.* De falſa Moneta.

[k] *Leg. unica Cod. Theod. Tit.* Siquis ſolidi circulum circumciderit.

I ſhall

I ſhall but juſt take notice of ſome particular circumſtances attending the crime of falſe coining.

1. As this crime is of a public nature, all the world was allowed to accuſe and impeach ſuch as were guilty of it, and to proſecute not only the falſe coiners themſelves, but all ſuch as harboured and concealed them, or knowing their guilt did not denounce them to the Magiſtrates.

2. The accuſers or denouncers of ſuch as were guilty of this crime, had recompences according to the diverſity of their condition; free perſons were exempted from all real tributes, or taxes upon lands; ſlaves obtained their liberty and the right of denizenſhip; their maſter being firſt indemnified for the loſs of his ſervant.

3. A man condemned for the crime of falſe coining was debarred the liberty of appealing to the Emperor.

4. Whoever was entruſted with the cuſtody of a falſe coiner, was condemned to death if he let him eſcape [l].

5. Amneſties, or general edicts for the pardon or abolition of crimes, did not extend to falſe coiners [m].

[l] *Leg.* 2. *Cod. Theod. Tit.* De falſa Moneta.
[m] *Leg.* 6. *Cod. Theod. Tit.* De indulgentia criminum.

PART II.

Of the Puniſhments denounced and inflicted upon falſe Coiners and their Accomplices.

THE puniſhments decreed againſt falſe coiners were different, according to the times and different conditions of perſons. In the time of the Commonwealth, falſe coiners were condemned to the beaſts, if they were free; and puniſhed with death, if they were ſlaves [n]. It looks as if Cornelius Sylla the Dictator was the author of this law, which was called *Lex Cornelia nummaria.*

When Ulpian ſays, that falſe coiners were condemned to the beaſts, it is only to be underſtood of men that were of the very dregs of the people; for with regard to ſuch as were diſtinguiſhed by their birth or employments, they were ſentenced to perpetual baniſhment, and their eſtates were confiſcated. This we are aſſured of by the lawyer Paulus. From that time to the reign of Conſtantine the Great, there are no Conſtitutions upon this ſubject to be found in the Roman Law [o].

In Conſtantine's time, falſe coiners appeared in much greater numbers than ever before; and accordingly almoſt all the laws made againſt them are the acts of that Emperor. He applied himſelf particularly to exterminate theſe public peſts, who only ſought their own

[n] *Ulpian. Leg.* 3. *Digeſt. ad Leg. Cornel.* De falſis.
[o] Sentent. *Lib.* 5. *Tit.* 25.

private

private intereſt, in the ruin of their fellow citizens. By the law which he publiſhed in the year 319, he orders, that if any Magiſtrate of a corporation ſhall be convicted of this crime of falſe coining, he ſhall be baniſhed to one of the remoteſt towns of the Empire; and reſerves to himſelf the power of diſpoſing of his eſtate: in caſe the guilty perſon was a man of the dregs of the people, he orders him to be baniſhed for ever, and his effects confiſcated; and if he were a ſlave, directs him to be puniſhed with death. Nothing was enacted in this law againſt perſons of condition. But as the puniſhments impoſed by this law were not adequate to the evil, nor able to put a ſtop to the crime, the Emperor had recourſe to a more violent remedy, and in *A. D.* 321, made a law to puniſh all falſe coiners of any condition whatſoever with death. In the year 326, he renewed this very law, and to the penalty of death added that of confiſcation of eſtate, which had not been mentioned in the former law [p].

By theſe laws falſe coiners are indeed condemned to a capital puniſhment, but the kind of it is not determined: nor are they to be underſtood generally of all perſons guilty of that crime, but only of ſuch as worked upon ſilver. As for ſuch as coined gold upon falſe dyes, Conſtantine condemned them to be burnt, by the law which he publiſhed in *A. D.* 317. [q].

[p] *Leg.* 1, 2, & 3. *Cod. Theod. Tit.* De falſa Moneta.

[q] *Leg. unic. Cod. Theod. Tit.* Siquis ſolidi circulum circumciderit.

It happened at this time that Conſtantine ordering new money to be coined, gave directions for the pieces of the new coin to be ſtruck of the ſame weight as the old ones, but ſomething leſs in ſize, fixing upon them the ſame value. This money was not favourably received by the people, and fell into ſuch diſcredit, that they refuſed publickly to take it in payment upon the ſame foot as the ancient. This manner of proceeding was reſented by the Prince as an high affront and indignity, and therefore Conſtantine thought fit by the law a little before quoted, to decree burning or any other capital puniſhment againſt ſuch as ſhould refuſe to take the ſaid money at the value he had fixed upon it, on pretence that it was of a ſmaller form than the old coin: the reaſon which he aſſigns for it is, that money ought to be valued by the weight and not by the form, and conſequently pieces of the ſame weight ought to paſs at the ſame value. Things changed afterwards very much; and as in the courſe of time the reſpect which they bore to the Prince was carried almoſt to the point of a ſervile adoration, the people made a much greater account of the money newly coined, than they did of the old pieces; which obliged the Emperor Valentinian I. to make a law to reſtore the credit and eſtabliſh the currency of the old coin[1].

Conſtantine impoſeth the ſame puniſhment of burning or any other kind of death, upon ſuch as ſhould clip the rim or border of the piece, in or-

[1] *Cod. Juſtin. Tit.* De veteris numiſmatis poteſtate.

der

der to diminiſh the quantity thereof [r]. Cujacius relates upon this occaſion, that there was at Byzantium or Conſtantinople a man named *Alexander*, ſo dexterous in this practice, that he was ſurnamed *Alexander the Clipper*. In the year 343, Conſtantius confirms the law of Conſtantine, and promiſes a recompence to ſuch as ſhould denounce and impeach the guilty, but without ſpecifying any particular reward. The ſame Emperor decrees the puniſhment of death againſt the founders, whom he ſtiles *Flaturarii*, that melted, refined, or altered the ſilver called, as we have ſaid, *Majorina Pecunia* [s].

We have put in the number of falſe coiners ſuch as coined ingots of gold which private men had carried to the mints without the Prince's order. The Emperor Valentinian was pleaſed to enact farther, that all the gold ſo coined ſhould be forfeited, and paid into the Imperial Exchequer. Four years after he moderated the rigor of this law, and contented himſelf with confiſcating two ounces in every pound of gold [u]. In the year 356, Conſtantius (for that was the time when this law was aſcribed to Conſtantine) declares all ſuch to be guilty of ſacrilege as ſhould be convicted of having melted down any pieces of the coin, or of having carried them out of the Empire; and in conſequence thereof orders them to be puniſhed with death [v]. By the ſame law he

[r] *Leg. unic. Cod. Theod. Tit.* Si quis ſolidi circulum circumciderit.
[s] *Leg.* 5 & 6. *Cod. Theod. Tit.* De falſa Moneta.
[u] *Ibid. L.* 6 & 8. *Cod. Theod. Tit.* De falſa Moneta.
[v] *Leg.* 1. *Cod. Theod. Tit.* Siquis pecunias conflaverit.

utterly forbids the buying or ſelling of the current ſpecies, becauſe money is not a mercantile commodity, but the price of commodities. In fine, he prohibits the making uſe of ſuch as are not current in commerce; and in caſe any of them be found in a merchant's houſe, he orders them to be confiſcated, with all the eſtate and effects of the infringer of this ordinance.

All the puniſhments here mentioned, how ſevere ſoever they were, did not however deter or intimidate the falſe coiners.

The Emperors imagined, that the reſpect which people naturally have for the Royal authority, might ſerve more effectually to contain them within their duty: and therefore in *A. D.* 389, Valentinian, Theodoſius and Arcadius declared falſe coiners to be guilty of the crime of high treaſon [w]. Let us now ſee in what manner the accomplices of falſe coiners were puniſhed.

There are two ways in which a man may be an accomplice with them; either by having a ſhare in the coining of the falſe money, or in putting off and vending it. Againſt the accomplices of the firſt kind, Conſtantine denounces the ſentence of death or perpetual baniſhment, according to the quality and condition of the perſons [x]. The law runs in the following terms. *Our pleaſure is, that all ſuch as ſhall be aſſiſting in the coining of falſe money, whether ſlaves, plowmen, or others, employed in tilling the ground or dwelling in the houſe where*

[w] *Leg* 9. *Cod Theod. Tit.* De falſa Moneta.
[x] *Ibid. L.* 2. *Cod. Theod. Tit.* De falſa Moneta.

it

it hath been coined, ſhall be puniſhed with death, as well as thoſe that ſhall coin it, and the ground or the houſe ſhall be confiſcated. With regard to the proprietor of the ground, if he had any knowledge thereof, our pleaſure is that he be baniſhed for ever, and all his eſtate and effects confiſcated. If the crime be committed without his knowledge, he ſhall eſcape for his perſon, but with the forfeiture of his ground or houſe; but in caſe he knew of it, and immediately gave notice thereof to the Magiſtrate, he ſhall be exempt from all penalties whatever. This law was made *A. D.* 321. Eight years after, the ſame Emperor ſoftened the ſeverity of this law, at leaſt ſo far as related to the proprietor of the ground or houſe, where the falſe money was coined: he ordered that the proprietor being guilty of negligence, (as if he was dwelling upon the ſpot, and yet had not taken care to inform himſelf of what paſſed in his own ground) ſhould incur the penalties denounced by the foregoing law; but excuſeth him from all manner of puniſhment, in caſe he lived at ſo remote a diſtance, that he could not eaſily know what was doing on his grounds. He likewiſe declares that widows ſhall not be liable to the penalties decreed by the ſaid law, though they live near their grounds or houſes where the money was coined, provided ſtill that they are not accomplices therein. With regard to Minors and Pupils, he exempts them from all penalties, even though they were not ignorant of what was doing, becauſe they do not really underſtand the nature of what they ſee; but he throws the puniſhment upon their tutors or guardians, becauſe they ought to be

acquainted with every thing that passes on the estate of their pupils; so that they were obliged to indemnify the pupil from all the losses that he might suffer on this account [y]. Abating these alterations, he enjoins that his first law should be observed according to its form and tenor.

There is no doubt but the utterers and putters off of false money partake in the crimes of false coiners, when they do it knowingly [z]; Constantine accordingly treats them in the same manner, *i. e.* he condemns them to be burnt, or to any other kind of death which the Magistrate should think fit to inflict.

With regard to such as put off false money without knowing it, they were not on account of their ignorance exempted from the penalties decreed against such as put off false money; for from their very putting it off, they were presumed to have coined it, and consequently were deemed false coiners. In order to clear themselves, they were obliged to declare the person from whom they had received it, that so iniquity might be traced up to its source, and those who had coined it might be discovered: they were also obliged to prove, that they did not know it to be false money. This is the opinion of Cujacius and Peresius [a]. In fine, to lessen the number of false coiners as much as was possible, Constantine orders, that all persons who worked at the mints in

[y] *Leg.* 4. *Cod. Theod. Tit.* De falsa Moneta.

[z] *Leg. unicâ Cod. Theod.* Siquis solidi circulum circumciderit.

[a] *Leg.* 26. *Digest.* De jure fisci. *Leg.* 4. *Cod. ad Leg. Cornel.* De falsis, & *Leg.* 5. De furtis & servo corrupto.

the

the coinage of money, ſhould not afterwards be allowed to quit that profeſſion, or be advanced to any poſt or dignity that would take them off from it, for fear that when they had once quitted that buſineſs, and were reduced to a private life, they might employ themſelves in coining falſe money [b].

This is the ſubſtance of what I have found moſt particular in the Roman Law, upon the ſubject of falſe money. All the laws that I have here cited, except the Cornelian law *De re nummaria*, were made in the ſpace of ſeventy two years, *i. e.* from the time of Conſtantine to Theodoſius the younger; a plain proof that falſe coiners were very numerous in thoſe days. Juſtinian hath adopted part of them, and inſerted them in his Code: nor were falſe coiners treated a jot more favourably in his reign, than in thoſe of the Emperors his predeceſſors; on the contrary he condemns them all to be burnt without exception [c]; whereas this kind of puniſhment ſeemed to have been inflicted only upon ſuch as coined falſe pieces of gold; the others being puniſhed ſimply with death.

I cannot finiſh this Treatiſe without taking notice of a law that is to be ſeen in the Juſtinian Code [d], and which, though it does not relate directly to the particular ſubject here treated of, deſerves however to be remarked, and the rather becauſe it relates to money in general. The Emperors Valentinian and Valens order by this law, the price of every

[b] *Leg.* 1. *Cod. Theod. Tit.* De Murilegulis & Monetariis.
[c] *Leg.* 2. *Tit.* De falſa Moneta.
[d] *Tit.* De veteris numiſmatis poteſtate.

thing

thing ſhall diminiſh in proportion to the diminution of the coin. This is the explanation given of it by Cujacius. This law carries with it ſuch evident marks of equity, that we cannot help owning it to be juſt and reaſonable; and ſuch a regulation might be of uſe in this Kingdom, where the contrary happens but too frequently.

END *of the Treatiſe of the Falſe Money of the Romans.*

THE MANNER OF DISTINGUISHING ANTIQUE MEDALS

From ſuch as are COUNTERFEIT.

AS the diſtinguiſhing of Antique Medals from ſuch as are counterfeit, is the firſt point of knowledge neceſſary for a Virtuoſo, that attempts to form collections of Medals; it cannot but ſeem a juſt matter of wonder, that in the multitude of authors which have for near an hundred years paſt wrote upon the Science of Medals, there ſhould not be ſo much as one that hath ſet himſelf to lay down any clear and ſure rules to enable people to diſtinguiſh the true from the falſe.

It muſt be owned indeed that F. *Jobert* the Jeſuit, in his book of the *Science of Medals*, hath as it were by the by, and in very few words, touched ſlightly upon the ſubject which I now undertake to clear: but this part of his work is ſo very ſuperficial, that it is plain enough he ſpoke of it purely to avoid the reproach

proach of having omitted ſo eſſential an article in a work deſigned to take in all the parts of the Medallic Science.

It never was however more neceſſary to furniſh Virtuoſos and curious perſons with means to guard againſt the various artifices of falſe coiners, than at a time when France is and hath been for ſeveral years over-run with a prodigious number of falſe Medals, which have been brought to us and are ſtill bringing every day from Italy. This conſideration hath induced me to conceive myſelf authorized to communicate to the public ſome new obſervations which I have made upon the art of diſtinguiſhing Antique Medals from ſuch as are counterfeit. I flatter myſelf that Virtuoſos, who are not yet far advanced in the ſcience of the mechaniſm of Medals, will not be diſpleaſed with the helps I ſhall offer towards opening their eyes, and thereby ſaving them abundance of uſeleſs expences. The love of what is true and genuine, which I wiſh to inſpire into them, is the only motive that hath made me undertake this work.

It is not only in our days, that the temptation of gain and the deſire of impoſing on Virtuoſos, has put ſome able workmen upon attempting to counterfeit Antique Medals.

William du Choul, who lived about two hundred years ago, and who is one of the firſt Virtuoſos that wrote upon the monuments of Greece and Rome, has in his book *Of the Religion of the old Romans*, printed the ſtamps of two Medals of Agrippa, one of great braſs, on the reverſe whereof appears the Pantheon; the other of ſilver, which had on the reverſe a Neptune

a Neptune in a chariot drawn by two ſea-horſes, with this Legend, *Aequoris hic omnipotens.* Theſe two Medals were certainly falſe.

Anthony *Lepois*, who was cotemporary with *du Choul*, and wrote (in French) very amply upon the ſubject of Medals, after the manner of the age wherein he lived, cites likewiſe ſeveral others of the ſame kind; ſuch as a Scipio Africanus of braſs, the *Pons Aelius* on the reverſe of Adrian, and a Peſcennius Niger of gold, which hath not been met with ſince that time, *&c.* This ſhews us evidently, that as ſoon as ever there appeared in France or in other countries, any Virtuoſos that began to make collections of Medals, there ſtarted up immediately a parcel of cheats that endeavoured to ſpoil and corrupt this noble curioſity in its infancy.

Soon after this the famous falſifyers of Medals known by the names of the Paduan and the Parmeſan made their appearance in Italy. Holland too afforded one named Carteron, and ſome others equally ſkilful, who diſperſed among the Virtuoſos an infinite number of falſe Medals; moſt of them indeed exquiſitely wrought, but ſtill far behind the Antique in force and delicacy. The greateſt part of theſe Medals are now known by the name of the Paduan: and they are the firſt I ſhall ſpeak of in this Treatiſe, which I have divided into ten Articles.

In the firſt, I treat of the Medals above mentioned, which are the modern Coins known by the name of the Paduan.

In

In the ſecond, of Medals caſt upon ſuch as are modern Coins.

In the third, of Medals caſt upon Antiques.

In the fourth, of Antique Medals touched over again, and altered in the heads and figures.

In the fifth, of Medals that are ſtruck with the hammer, and ſuch as are encaſted or joined together.

In the ſixth, of Medals that have cracks and countermarks.

In the ſeventh, of Medals that are plated over, and of ſuch as are miſcoined.

In the eighth, of caſt Medals that are Antique, and of Medallions compoſed of different kinds of copper.

In the ninth, of Medals that have been invented by falſe coiners, and of thoſe whereof there are few counterfeits to be found.

The tenth Article contains what I had further to ſay in relation to the ſubject of this work.

I give an account (as will appear in each Article) of the various manners which have been taken to counterfeit Medals; and I have endeavoured to lay down rules for diſtinguiſhing the true from the falſe, whatever artifice hath been uſed to impoſe upon the world in this point.

I am going undoubtedly to lay open one of the greateſt myſteries of iniquity that ever entered into the heart of man to conceive, in order to impoſe upon others: and I own ſincerely, that when I began to take notice of all the rocks with which one is encompaſſed in the Science of Medals, I have been tempted

a thouſand

a thouſand times to reſolve upon giving over the ſtudy; and nothing but the force of a violent inclination, which I could not eaſily command, could have engaged me to perſiſt in it to ſuch a degree, and carry on my obſervations to ſuch a point, as I have done.

ARTICLE I.

Of Medals of modern Coin, moſt of which are known by the name of the Paduan.

The Medals which are called in general the Paduan, are Medals ſtruck in modern Dies, which the moſt expert workmen either of Italy or of other countries engraved with a great deal of art and taſte, in endeavouring to the utmoſt of their power, to imitate the Antique which they copied from true Medals. We have a prodigious quantity of theſe modern pieces, not to be ſurpaſſed in their beauty and nobleneſs by any thing but the Antique itſelf. Fine collections enough may be formed of them, as well in Medallions or in Greek Medals of gold, ſilver, and braſs, as in Roman Medals, equally in all the three metals; but eſpecially in Medallions of copper and the great braſs. Moſt of the copper medallions of the Roman Empire which are ſpurious, have been copied after the Antique; there are alſo engraved upon them ſeveral new reverſes, which were never ſeen upon Antique Medals, but which the forgers took care to found upon ſome hiſtorical facts.

The twelve firſt Emperors have been counterfeited an infinite number of times in great braſs;

braſs; the counterfeiters chiefly applied themſelves to imitate the heads which were the rareſt in their kind, ſuch as thoſe of *Tiberius*, *Otho*, (of which there is not an Antique Latin one to be found but what is of the colony of Antioch, or of Egyptian make in the three ſizes of braſs) *Vitellius*, *Pertinax*, and the two *Gordians of Africa*, *the Agrippina of Claudius*, *the Domitia* (which is hardly ever to be met with) *the three Wives of Trajan's family*, the *Anna Fauſtina*, and *Tranquillina*. It would be no difficult matter for a Virtuoſo, who hath had the looking over a few Cabinets well choſen, to avoid being bit by this kind of Medals: but as the generality of them reſide in the provinces at a diſtance from Paris, and hardly ever come to a place which is in a manner the fountain-head of the Science of Medals, as well as of all the polite Arts, they are conſequently out of the way, and have no opportunity of making their advantage of thoſe lights which our learned Antiquaries communicate with equal readineſs and politeneſs.

I have ſeen ſeveral of them, who after having paſſed a good part of their lives in a province, and applied themſelves all the time to get together Cabinets of Medals, were not yet, after ſeveral years application to this ſubject, able to diſtinguiſh a modern Coin from an Antique. What I here advance is ſo true, that the Virtuoſos of Paris agree unanimouſly, that among all the ſcarce Medals of the Cabinets in the Provinces or in foreign countries, which have been ſent thither to be ſold, after the death of thoſe that formed them, even in

thoſe

thoſe ſeries which have been moſt celebrated, it hath been conſtantly found, that moſt of the great Pieces were counterfeit.

It is not however difficult to diſcover thoſe which I am ſpeaking of in this article, if a Virtuoſo (who hath not yet formed to himſelf that diſtinguiſhing eye which makes one very rarely miſtake) will be careful to obſerve the following rules.

1. All the Medals of great braſs, which are called the *Paduans*, and which are the only ones treated of in this Article, are generally of a flank much leſs thick than the Antiques.

2. They are neither ſo worn nor ſo pared and eaten away as the others.

3. The letters on them ſeem modern, that is, of the ſame character as thoſe of the Medals of our time.

4. They never have any varniſh, unleſs it be counterfeit, and then it is very eaſy to diſcover it; for it is uſually black, greaſy, and ſhining, and is found ſoft upon pricking it: whereas the antique varniſh is extremely bright, and as hard as the Medal itſelf.

5. The borders of them have been always filed; which is diſcovered in a manner more or leſs ſenſible, if one conſiders them with any kind of attention.

Laſtly, theſe Medals are always very round, whereas the others are never ſo regularly round, eſpecially ſince the reign of Trajan. Thus much for what relates in general to the Medals in great braſs of modern coin.

The Medallions of the ſame metal are likewiſe eaſy to diſtinguiſh; and this by the very

ſame rules. One ſhall run no great hazard at firſt in looking upon all that one ſhall meet with from Julius Cæſar to Adrian's time, as infinitely to be ſuſpected. There are ſcarce any true ones to be found that were ſtruck during thoſe firſt fourteen reigns of the Roman Empire; ſo that all of that time may be conſidered as counterfeit pieces, except a very ſmall number, which are not to be found truly Antique, except in the choiceſt Cabinets.

Thoſe of the following reigns are not a jot harder to be diſtinguiſhed: they bear the very ſame marks of impoſture as the counterfeit ones of great braſs; they have the ſame make, the ſame varniſh, the ſame borders, in a word, the ſame appearance to the eye.

The Imperial Medals of ſilver or gold, and the Greek Medals of modern coin, are eaſy to be diſcovered, of whatever metal they are compoſed. If the borders of them are ſometimes more likely to impoſe on people, the letters eaſily bewray the counterfeit, as they diſtinguiſh the true Medal: and the firſt point of knowledge that a man ought to acquire, is that of the character or form of the letters; which is no difficult matter, if a Virtuoſo, who hath an inclination for the Science of Medals, will but uſe a little application for that purpoſe. For in what manner ſoever a Medal is counterfeited, whether it be of modern coining, caſt upon an antique or a modern, touched over again or ſtruck with the hammer, the letters on them are always falſe. This (I muſt here acknowledge) is the principal, or rather the only art to diſtinguiſh a ſuſpected Medal, when one hath not yet acquired that

ſure

ſure taſte of the work and coinage of the Ancients, which enables one to diſtinguiſh immediately what is genuine from what is counterfeit.

ARTICLE II.

Of Medals caſt upon ſuch as are of modern coining.

The Medals caſt upon ſuch as are of modern coining are ſo very numerous, that all Cabinets, which have not been formed by a maſterly hand, are full of them. It is indeed much eaſier to counterfeit them in this manner, than if they were caſt upon an Antique. Moſt of the ſcarce Antique Medals, which are the only ones that cheats find an intereſt in counterfeiting, are worn, and have left part of their charms on the road (except thoſe of gold, which are almoſt always fair and well preſerved) whereas the Medals of the Paduan are ſtill in all their beauty, and take much better in a mould than thoſe which time hath injured and diſabled. Hence comes the facility which falſe coiners (that have not ſkill enough to engrave) have found in caſting theſe kinds of Medals. They are ſometimes more hard to be diſcovered than the original counterfeits upon which they are formed, becauſe in caſting them one may give them whatever thickneſs one pleaſes. In the ſecond place, they fill up the cavities which the ſand hath left in them with maſtic; they touch the letters on them over again, repairing them entirely with the burin; and then lay over all theſe cheats

a varniſh which compleats their diſguiſe. It ought not therefore to appear any thing extraordinary, if moſt Virtuoſos, ſuch eſpecially as are only beginning to dabble in the Science, ſhould be trepanned into this ſort of Medals.

They are not however more difficult to be unmaſked, than thoſe of modern coining, provided we do but obſerve the ſame rules for diſcovering them; and keep ſtill in our mind, that theſe kinds of Medals are lighter than thoſe which have been ſtruck, becauſe the fire rarifies the metal that is melted, whereas that which is beaten muſt be condenſed, and become conſequently more weighty; and that the letters on them will not be genuine; and moreover the maſtic and falſe varniſh will diſcover themſelves viſibly enough to the eye.

Such as are caſt upon modern coins in gold and ſilver, are ſtill more eaſy to be diſcovered than thoſe in braſs; becauſe there is no diſguiſing them either with maſtic or with a falſe varniſh. They ſhew then, as it may be ſaid, their turpitude plainly; and a Virtuoſo muſt certainly be a mere novice in the Science, if he is capable of being miſtaken in them.

Moſt of the reverſes of all kinds of falſe Medals ſerve often enough to impoſe on people; and accordingly we ſee that it is uſually the firſt rule by which Virtuoſos examine a Medal. The generality of them lay it down for a maxim, that the borders juſtify the field of the Medal, and that the field ſerves in its turn to juſtify the borders: but after all, nothing is more uncertain and fallacious than this rule in ſome reſpect. We have in truth a great

great number of ſilver Medals, the reverſes whereof were filed and rounded in the times of the Romans, in order to be afterwards inchaſed or ſet either about certain veſſels or ſome other monuments of the like nature, which are ſtill found ſometimes. Theſe have been often looked upon as ſuſpected pieces, and the generality of Virtuoſos ſtill miſtruſt them, though they are certainly antique.

Beſides, there is an infinite number of falſe Medals, that have their borders pricked and eaten, as if they had ſuffered the injuries of many ages; which is done in the following manner. They cover the borders of a falſe Medal with wax, and then prick the wax in ſeveral places: they fill the holes, which the inſtrument they uſed in pricking it hath made, with *aqua fortis*, which eats into and waſtes the borders of the Medal, as much and ſometimes more than if they had been of the firſt antiquity. It is therefore impoſſible for them in this caſe to juſtify the field of the Medal; ſo that in the general nothing is leſs deciſive than the border; ſince for the reaſons that I have here alledged, a Medal that hath them filed may very well be an Antique, and one that hath them eaten and worn, as an antique Medal ſhould naturally have them, may poſſibly prove to be ſpurious.

ARTICLE III.

Medals caſt upon Antiques.

The Medals, of which I am to treat in this Article, that are caſt upon Antiques, are leſs eaſy to be diſcovered, than either thoſe of the Paduan, or ſuch as are caſt upon modern pieces; becauſe when cheats ſet about caſting theſe Medals, they take care to chuſe for the print of the mould an Antique Medal, the beſt preſerved that they can find, and ſuch an one produces pieces well enough imitated to impoſe frequently upon the moſt knowing Medaliſts. They may caſt them in this manner of all ſizes and metals; and when a ſkilful falſe coiner hath touched over and repaired theſe kinds of Medals with his burin, they appear frequently as natural as the Antiques: and the rather, in that, as they only counterfeit ſuch heads and reverſes as are rare, the workmen, in order to impoſe the better on people, take care to uſe for their matter ſome antique common Medals that were coined at the ſame time with thoſe which they counterfeit, that ſo the ſilver may be of the ſame ſtandard. For example: a workman who hath a mind to counterfeit the Triumphal Arch of Septimius Severus, which is a reverſe very rare in ſilver, will take care to melt down a common ſilver Medal of the ſame Emperor, to ſerve for the matter of which he makes his falſe piece, and thus by the equality of the ſtandard of the ſilver, render it more likely to be miſtaken,

It

It muſt be owned that theſe kinds of Medals are generally leſs eaſy to be diſcovered than the former; becauſe having been (as I have obſerved a little before) caſt upon the beſt preſerved and moſt perfect Antique Medals, they retain the taſte of their model, and have really an air and appearance that may very well impoſe on Virtuoſos. And accordingly we ſee moſt of them deceived in ſome caſes of this nature, but more eſpecially with regard to Imperial Medals in ſilver, which is the eaſieſt ſort of any to imitate by reaſon of the ſmallneſs of the volume. There are very few Cabinets in which there are not ſome of theſe Medals; ſuch was the *Pacatian* of the late Father Stephen Chamillard; ſuch alſo at preſent is the famous Medal in fine ſilver of *Magnia Urbica*, in the Cabinet of the late Abbé Leroy at Paris, which impoſed upon abundance of Virtuoſo's, which Father Banduri has cited in his Catalogue as a ſingular and the only piece of its kind, and which hath been lately diſcovered to be a Medal caſt and repaired with a great deal of art and ſkill, and conſequently a counterfeit.

Antiquaries ought to be extremely on their guard with regard to this ſort of Medals, on account of the great reſemblance which they bear to the Antiques. They muſt more particularly miſtruſt all the large heads in ſilver. The wives belonging to Trajan, the *Pertinax*, *Didius Julianus*, *Peſcennius Niger*, the *two Gordians of Africa*, the *Tranquillina*, and the *Cornelia Supera* have been imitated a thouſand and a thouſand times; and I have found by experience, that out of twenty Medals of theſe

rare kinds, which one ſees in the Cabinets of the Provinces of France, one can hardly meet with ſo much as one or two that are genuine.

In order to diſcover theſe Medals, it is neceſſary to examine two things: 1. the letters: 2. the field of the Medal. When a Medal hath not been ſtruck in a Die, as all money is now-a-days, and as the Antique Medals were, excepting only a few of braſs, which I ſhall ſpeak of in their proper place, the letters on them are more irregular, they do not come forward from the field of the Medal with the ſame elegance and plainneſs as thoſe on Antiques; they are more faded; and if the burin hath been at work upon them, we diſcover its touches, and find that they have been altered. We muſt follow a legend cloſely from one end to the other, and examine whether all the letters are of the ſame taſte and entirely uniform, whether none of them limp, and whether they all come forward with the ſame equality; for if there be a defect as to any of theſe conditions, the Medal ought juſtly to be ſuſpected.

The field ſhould likewiſe ſerve to determine and aſcertain the fate of a Medal when it hath been caſt: it is never ſo even, as when a Medal hath been ſtruck: one may always ſee in it a certain hollowneſs, and ſome cavities cauſed by the ſand. Theſe defects cannot be concealed and covered, as in medals of braſs, by maſtic and falſe varniſh; they muſt of neceſſity appear plainly and viſibly upon Medals of gold and ſilver; and then the diſcerning eye goes a great way towards diſtinguiſhing them immediately at the firſt glance;

eſpe-

eſpecially when one hath acquired it to a conſiderable degree, and in a perfection which makes it ſcarce poſſible to be miſtaken.

ARTICLE IV.

Antique Medals refitted, the Heads and Figures whereof are changed.

Theſe are a kind of Medals, which are doubtleſs the more likely to impoſe on people, becauſe there ſeems leſs reaſon to miſtruſt them: and I readily agree, that a man muſt be very well verſed in the mechaniſm of Medals to be able to keep himſelf from being deceived by thoſe of this kind. They are Antique Medals, to which they ſubſtitute new legends, and counterfeit the heads and reverſes on them with an art that is really wonderful. A Virtuoſo fancies himſelf perfectly ſecure when he purchaſes Medals of this kind, of which people are the leſs diffident, becauſe they are really Antique: but they are not leſs ſpurious on that account, becauſe they are different Medals in the main from what they repreſent. It is eaſy enough to imagine, that it is only the rareſt heads, and the great reverſes, which are thus diſtinguiſhed. The greateſt part of theſe Medals come to us from Italy, where they began to counterfeit them in this manner, when they perceived that the other kinds of falſe Medals were too well known to be miſtaken.

Thereupon they formed the deſign of taking a common Antique Medal, and turning it into a rare Medal; of diſguiſing, for inſtance, a *Clau-*

a *Claudius* in braſs of the Colony of Antioch into an *Otho*; a *Fauſtina the mother*, a Medallion of *potin* or yellow copper, into a *Titiana*; a *Julia* of Severus in ſilver, into a *Didia Clara*; a *Macrinus* of Cologne, into a *Peſcennius Niger*; an *Orbiana* of great braſs, into an *Annia Fauſtina*; a *Mammæa*, into a *Tranquillina*; a *Philip* the Father, or *Valerian* of great braſs, into an *Æmilian*; and ſo with regard to others.

When the Heads are not ſo nearly reſembling one another, as thoſe are which I have here mentioned, though the difficulty of counterfeiting may ſeem greater in ſuch a caſe, yet it doth not put a ſtop to the impoſture. Able cheats know very well how to retouch them with the burin, ſo as to make them alike. They generally make uſe of a *Marcus Aurelius* of braſs to turn it into a *Pertinax*: but as thoſe two Emperors are not very like one another, they take care to chuſe a Marcus Aurelius on the reverſe of his conſecration, which is a reverſe that we meet with too in *Pertinax*; they thicken the beard of Marcus Aurelius; they make the noſe bigger, and when the name is changed with addreſs and ſkill, ſuch a piece, which hath a genuine reverſe, and other marks of antiquity beſides, is very capable of cheating and deceiving a Virtuoſo, who would be delighted to purchaſe an head of this conſequence.

All theſe Antique Medals thus diſguiſed are very common in Cabinets, eſpecially in the ſeries of great and middle braſs, which the varniſh always beſt diſguiſes. It is therefore the intereſt of perſons who are forming collections

lections of Medals, to apply themſelves early to unveil and diſcover this trick and impoſture, which conſiſts almoſt always in the letters; for it is not an eaſy matter to atchieve. There are in Italy ſome workmen that have paſſed all their lives at this kind of play, and are perfect maſters of the art of taking out of a Medal the letters which are prejudicial to their deſign, and of engraving others in their ſtead, which appear ſo natural, that moſt Virtuoſos are impoſed on by them. I have ſeen very ſkilful Medaliſts, that knew very well how to diſtinguiſh the true from the falſe, divided in their ſentiments about a *Titiana* of *potin*, of Egyptian coining, which after all was only a *Fauſtina* diſguiſed. The *Cæſonia* in gold, of the late M. Lebret's Cabinet, was of this kind; as ſoon as it arrived at Paris, it was diſcovered to be an *Agrippina* the Mother, on the reverſe of Caligula; and her name had been taken out to ſubſtitute in its ſtead that of *Cæſonia*; and to make of it by help of this alteration, a Medal which had impoſed on all the Antiquaries of Provence.

I ſaw a little while ago in the hands of the Biſhop of Die, a *Claudius* of this kind of make, counterfeited into an *Otho* of the Colony of Antioch, which this Prelate (who ought to be conſidered as one of our beſt Antiquaries) had firſt diſcovered not to be genuine, but of this kind of make, and which was wrought with a ſurprizing art. Theſe kinds of Medals are chiefly to be diſcovered by the letters; which muſt be examined with all the rigour that I have preſcribed at the latter end of the foregoing Article.

Beſides

Beſides the heads, they likewiſe touch over again and refit the reverſes. A Medal may be fine on the ſide of the head, and yet be eaten, worn, and ſpoiled on the ſide of the reverſe: now if it be a reverſe that is rare, and the Medal is of braſs, they work it over again with the burin, and revive all the figures of it by hollowing a little into the field of the Medal. We muſt then take notice, that theſe kinds of reverſes refitted in this manner have no relief, and do not come forward out of the field; and it is chiefly by this mark that they are to be diſcovered.

There are alſo a great many Medals (I am ſtill ſpeaking of thoſe of braſs) that have ſome rare reverſes which are fair and ſeem well preſerved, but which however are entirely poſtic. There are likewiſe Antique Medals, the heads of which they do not uſually touch; but only hollow the reverſe, which they fill with a maſtic of ſuch a colour as time hath given to the Medal, and faſten it ſo firmly to the metal that there is no ſeparating them without force and violence. They then engrave upon theſe reverſes whatever figures or other ornaments they have a mind to put upon them, in order to make of them the rareſt and the beſt preſerved Medals: they varniſh them on both ſides, and in this condition they are the more capable of impoſing on people, in that a purchaſer, ſeeing that the head is genuine, doth not always think of examining the reverſe with the exactneſs that is requiſite. Part however of the fineſt reverſes of Medals in the great braſs have been more or leſs retouched and refitted in this manner: though

they

they are not all refitted entirely, and there are abundance of them that have only ſome parts retouched; it is ſtill in this caſe, according to my way of thinking, a very great defect in a Medal, and leſſens its merit and value exceedingly.

There are few ſeries in great braſs, but we may find in them great plenty of theſe Medals. In order to know and diſtinguiſh them, one muſt have a long acquaintance and be well verſed in Medals, and have formed a ſure taſte with regard to the coinage of the Romans; and then theſe kinds of pieces cannot eſcape one. In the mean time, a Virtuoſo ought ever to miſtruſt a Medal when he ſees it covered with a falſe varniſh, and ſhould prick the moſt ſuſpicious parts of it with the burin, to ſee whether they make reſiſtance, or whether they are of maſtic; he muſt be more eſpecially careful to examine whether all the parts of a reverſe form an uniform whole; ſuch as we may imagine a Medal ought to be, when it hath been coined in a Die, engraved with art and exactneſs: and if he perceives any inequalities therein, he ought to ſuſpect the Medal. When we are making a purchaſe in this way, we ought to have recourſe to an able *Connoiſſeur*, who will not let us be impoſed on; or at leaſt be ſure of the probity and judgment of the ſeller: and little or no riſque is run in either of theſe two caſes.

ARTI-

ARTICLE V.

Of Medals ſtruck with the Hammer, and ſuch as are encaſted or joined together.

The Medals that we term hammered, are very much of the ſame kind with thoſe that I have been ſpeaking of juſt before. They are likewiſe common Antique Medals, which ſhould be well preſerved. They file the reverſes of them all over, and then ſtrike new ones in their ſtead with a modern Die, which imitates the Antique well enough: which is done by laying the ſide of the head (which they do not touch over at all) upon ſeveral folds of thick paper, that it may not be flattened; and then they put the modern Die upon the reverſe of the Medal, and make it take the impreſſion or ſtamp by ſtrokes of the hammer. As theſe reverſes, hammered in this manner, come forward from a coin, they are very neat and uniform, and imitate the Antique more or leſs according to the ſkill and abilities of the Engraver. Theſe kinds of reverſes generally ſtrike people with their rarity; the greateſt part of them not being to be found upon true and legitimate Medals. Such are *Aquas Claudiam ex fontibus*, &c. on the reverſe of Claudius; *Pontem Aelium* on the reverſe of Adrian; *Expeditio Judaica*, which I have ſeen on the reverſe of the ſame Emperor, and other the like memorials. In this caſe then it is the Medals themſelves that diſcover their falſity; becauſe it is generally known that moſt of theſe reverſes are mere fictions,

fictions, and never really exiſted upon Antique Medals; which ought to engage a Virtuoſo to know exactly the Medals which are found to be Antiques, eſpecially in the kind to which he takes. It is moreover eaſy enough, if one is never ſo little uſed to Medals, to diſtinguiſh ſuch as are hammered, by the ever ſenſible difference of the coinage of the head from that of the reverſe, which makes a contraſt eaſy enough to be obſerved.

After having treated of hammered Medals, it is natural that ſuch as we term *incaſted* ſhould be conſidered in their order. They are two halves of common Medals joined together, and making one that is rare and curious. It is ordinarily upon Medals of braſs and ſilver that this new fraud is practiſed. For inſtance, they make uſe of an Antoninus, and hollow its reverſe all over: they then prepare an head of Fauſtina, and fit it to this reverſe; which being joined together make one rare Medal. If it be a Medal of braſs, they take care to chuſe two braſs Medals of the ſame colour and the ſame varniſh. There are ſome of theſe Medals that are joined together in this manner ſo very dextrouſly and with ſo much exactneſs, that nothing almoſt, but the abſolute aſſurance one hath that they are incaſted, can enable one to diſcover them; and the rather, becauſe the borders of the Medal which is hollowed ſtill remain.

I have ſeen a good number of Medals in ſilver of the family of Septimius Severus, which had two heads, and which were only Medals incaſted neatly. It requires likewiſe a great attention to diſtinguiſh and know theſe

pieces:

pieces: but when Virtuoſos examine them carefully, and having a notion beforehand of the trick, are, as I ſuppoſe, on their guard againſt it, they will always be able to diſcover ſome marks of fraud about the *ingrailed rims* of the coin, which are apt to bewray the impoſture.

grénétis.

Theſe Medals are moſt of them compoſed of two heads: but there are alſo ſome of them that have reverſes clapped to them in the ſame manner; ſuch as the Amphitheatre of Titus Veſpaſian, which is found ſometimes in great braſs on the reverſe of a Domitian.

Though theſe pieces are formed of a head and a reverſe that are both antique, they are not the more valuable on that account: they are ſtill ſpurious and counterfeit Medals; and we ought to reject them with as much contempt as we would all the other ſorts of falſe Medals that I have already mentioned. *Nothing is really fine and beautiful but truth; nothing but truth is amiable.*

There are alſo ſome Medals, as well of braſs as ſilver, that are two half Medals ſoldered together by workmen who had not ſkill and dexterity enough to incaſt them: but they are eaſily known by the bare inſpection of the border or edge, which is always filed, and ſhews itſelf plainly enough at the firſt examination of the two pieces.

We muſt not however confound theſe incaſted Medals with an infinite quantity of Antique Medals that we have in the three metals and of all ſizes, which have reverſes that do not belong to the heads they repreſent. Such miſtakes happened at the very time of the

Medals

Medals being coined, through the fault of the workmen employed in ſtriking them, who taking one Die for another, tacked often to an Emperor or an Empreſs, a reverſe of a former reign, or one that belonged to ſome other different head. There are few Cabinets but have ſome of theſe Medals in them: I have ſeveral of them in my ſeries of great braſs, which I have quoted on another occaſion, and it is needleſs for me to repeat here what I then obſerved. I have begun to draw up a Catalogue of this kind of Medals, which I may poſſibly publiſh ſome time or other, though for this only reaſon, that nothing ought to be unknown in the Science of Medals, and theſe pieces are ſtill very curious, even on account of the very defect of their coinage.

Theſe reverſes thus tranſpoſed from one Medal to another are very frequent in the ſmall braſs at the beginning of the lower Medallic Empire; I mean under the reign of Gallienus. The thirty Tyrants that roſe up one after another in this Prince's time, made moſt of them only their appearance on the ſtage, and were immediately cruſhed and deſtroyed by rivals that got into their place, and made in their turn their exit in as ſhort a time as the others. The officers and workmen of the Mints in the Provinces uſurped by theſe ſhort-lived Tyrants, had ſometimes hardly time enough to engrave the heads of their new maſters; and ſo joined to them reverſes of the precedent reigns. Hence is it that we ſee the *Pacator Orbis* on the reverſe of a Medal of Marius, who reigned only three days; and an infinite number of other the like inſcriptions,

which it is neceſſary to be acquainted with beforehand, that we may not be puzzled or ſtopped every moment in the explanation of ſuch Medals.

ARTICLE VI.

Of Medals that have Cracks and Countermarks.

The cracks that are to be ſeen on a great number of Antique Medals, moſt commonly upon thoſe of great braſs, which by the extent and broadneſs of their flank were moſt ſubject to this accident, have given occaſion to falſe coiners to imitate this defect, that by the help of a well counterfeited crack, they might make their falſe Medal paſs the eaſier. The greateſt part of ſpurious Medals have this equivocal mark of Antiquity, eſpecially, as I have juſt before obſerved, thoſe of great braſs; becauſe the broader a Medal is, the more is it ſubject to ſplit and fly in pieces. Now it is plain that nothing but the force of the Coin can make a Medal crack. We ſee very few, or indeed next to none of our modern coin with this mark, becauſe a ſingle ſtroke or preſſure of the Preſs gives them the ſtamp and impreſſion that they bear: whereas the Ancients, who coined their money with repeated ſtrokes of hammers (as is proved irrefragably by an infinite number of Medals, in which we may obſerve the heads, reverſes and legends to have been marked or ſtamped at ſeveral times) were very liable to have their Medal or Coin cracked. This put it into the

head

head of modern falſe coiners to imitate theſe cracks upon abundance of counterfeit Medals, as well ſuch as were coined (as thoſe of the Paduan were) as ſuch as were only caſt. In order therefore to know whether the crack hath been added ſince the coinage, we muſt examine it on both ſides, and ſee whether it be equal and uniform in its ſhape, whether it be natural, whether it winds and goes on gradually leſſening till it ends in certain imperceivable filaments; and then if we find in it all theſe conditions, we may very well conclude that the Medal is Antique, or rather that the flank is ſo; for the Medal may otherwiſe have ſome of the defects which I have given an account of in this Treatiſe.

If on the contrary, the crack is broad at its beginning and ſtrait, and does not terminate in the manner I have related above, we ought from thence to judge that it hath been added and made by the file, and in ſuch caſe we need not look out for any other marks of the falſity of the Medal.

The Medals which are countermarked, are pieces that have an antique Impreſſion, which was ſtamped upon them when the Directors and Officers of the Mint of the Empire changed the denomination of their current value; juſt as we ſee ſome *ſols* countermarked with a flower-de-luce at the time when theſe pieces were altered in their value under the reign of *Louis the Great*. We ſee upon abundance of Medals of great and middle braſs theſe countermarks in various faſhions. In the High Empire we uſually find theſe letters, N, P, R, O, B; or theſe, N, C, A, P, R.

Theſe laſt have been explained by theſe words, *Nobis conceſſa à populo Romano.* I have a Claudius of great braſs, on the reverſe of which is the Triumphal Arch of his father Druſus, with this countermark, M P. There are ſome that have on them the name of Auguſtus A U G, and others with the Senatus-Conſulto S. C. *&c.*

There is no manner of doubt but that all the Medals of braſs thus countermarked are Antiques; and I have never yet found that any falſe countermarks were ever coined. It is therefore a ſure ſign that a Medal is genuine, when it hath ſuch a countermark upon it: all that remains further to be done, is to examine whether it be otherwiſe genuine in all its parts, and whether it be not a common Medal retouched or refitted with the burin, and converted into a rare Medal; juſt as I have ſometimes ſeen the Agrippina of Germanicus countermarked, and with the reverſe of *Senatuſ-conſulto* converted into the Agrippina of Claudius.

ARTICLE VII.

Of Medals that are plated, and of ſuch as are miſcoined.

The Medals of gold and ſilver which they term plated, ſeem to be exempt from all ſuſpicion: they are pieces of falſe money which were counterfeited among the Ancients, and put off for good and current coin. Nobody will find any great difficulty in believing that there have always been falſe coiners, from the time

time that nations were formed into ſocieties under a civil government, and the uſe of gold and ſilver money was introduced and ſettled. This cheat hath been perpetually practiſed down to our time, and in all probability will not end but with the world. But it muſt be owned, that among the Romans the falſe coiners were very clever and ingenious cheats, and were particularly excellent engravers. As all the gold and ſilver coins of the Empire were made in all the perfection of workmanſhip, it was abſolutely neceſſary to imitate and come up to them in the counterfeit pieces, in order to paſs them off in the world. We accordingly ſee them imitated to ſuch a degree, that we are often obliged to prick the pieces, when they are not cut or pared, to diſcover whether they are plated, that is, whether they are copper within.

The coining of counterfeit Medals was in thoſe days extremely difficult to be practiſed. It was not then to be done, as it is now, with little more than mixing a little gold with copper, or with barely whitening over a piece of baſe metal. The falſe coiners among the Romans covered their pieces with a leaf of pure gold or ſilver, thick enough not to wear off or diſcover itſelf till after they had been long uſed in commerce, and ſo compreſſed with the copper of the inſide at the time of their being coined, that it was impoſſible to diſtinguiſh them in any way but by cutting or piercing them with a burin or ſome other inſtrument.

This circumſtance is ſufficient to ſhew us that money was ſcarce in the Roman Empire,

ſince a workman ran the hazard of being puniſhed with all the ſeverity of the laws for the ſake of counterfeiting a ſilver Medal, which is hardly now-a-days worth ten-pence, and was at that time of a much lower value.

We may conſequently be aſſured that a Medal is undoubtedly Antique, when we find it plated, and was coined at the very time it was ſo plated. As theſe pieces were coined in a hurry, and always in ſubterraneous places, they are very ſubject to have faults in the legends, which render them for the moſt part ſingular, either by the tranſpoſition of the letters, or by ſome other defects. We ſhould examine them with attention, and we ſhall find after all that there are few of them, eſpecially in ſilver, but what are fit enough to enter into a ſeries.

The thickneſs and relief of gold and ſilver Medals having given occaſion for falſe coiners to plate them the more eaſily, there was found at laſt ſo great a quantity of theſe plated pieces, that when in the reign of the ſons of Conſtantine the Great, the current coin of the Empire (which had ſcarce been any thing but of baſe metal from the time of the Emperor Caracalla) was reformed, and money of pure ſilver was coined, it was thought neceſſary for the public ſecurity to diminiſh it to half its former weight or thereabouts, and to make it ſo thin, that it would be impoſſible any longer to falſify it; which was conceived to be the moſt effectual way that could be taken to prevent the like cheat for the future. Notwithſtanding this precaution, I have ſeen a plated Valentinian of gold in the Cabinet of M. Mahudel, who is the only Antiquary that

I know

I know in France, who hath taken the pains and care to collect all the ſingularities imaginable that are to be found in the point of Antique Medals, as well with regard to their fabrick, as in relation to Hiſtory; and he hath indeed a collection of them that is the only one in its kind.

The Medals then of ſilver which are plated may be admitted undoubtedly for Antiques: it is not practicable to refit the letters on them, as may be done upon Medals that are of a good alloy; becauſe the Medal being covered only with a leaf of ſilver, it will not bear being worked over again. Some other method was then to be taken by ingenious artiſts, if they were minded to go on with their fraud in counterfeiting this kind of Medals; and ſome of them, to puſh it to the utmoſt point it was capable of reaching, bethought themſelves of piercing ſome falſe but well counterfeited Medals of ſilver with a red-hot needle, the fire of which taints and reddens the Medals on the inſide, and makes ſuch as do not examine the matter cloſely, fancy it to be plated. When we meet with this kind of Medals thus pierced and imagined to be plated, we muſt, if we are not ſkilful enough to diſcover the ſpurioufneſs of the Medal, take care to prick it either in the field or in the borders, and by that experiment ſatisfy ourſelves, whether it be really plated and conſequently Antique.

Medals that were by accident miſcoined, I am perſuaded never were counterfeited, and they may all be looked upon as pieces certainly Antique. Thoſe which we call ſo are Medals

that have the ſame head on both ſides, in relief on one ſide, and hollow on the other. This defect is owing to the hurry and precipitation of the coiner, who before he had taken off the Medal which had been ſtruck immediately before, clapped on it a new flank, which having the Die above it, and the Medal, which had not been taken away, underneath it, received on both ſides the impreſſion of the ſame head in relief and in hollow, but always ſtruck more imperfectly on the ſide of the hollow, the effort being much weaker on the ſide of the Medal than on that of the Die. Theſe Medals, which are rare, ſerve in Cabinets only for matter of curioſity: there are ſeveral of them in gold and ſilver, and ſome of braſs, eſpecially of the middle: I do not remember that I ever ſaw one in great braſs. We meet ſometimes with rare heads of this kind: ſuch is a Pertinax of ſilver, which I have ſeen formerly in the Cabinet of the late Monſieur de Pont-Caré, Firſt Preſident of the Parliament of Normandy, who would have left his heirs the fineſt ſeries of Imperial Medals of ſilver in Europe, if M. Abbé de Rothelin had not formed one of them that ſurpaſſeth it infinitely.

ARTICLE VIII.

Of caſt Medals that are Antique, and of Medallions compoſed of different Coppers.

Though I have advanced that all Antique Medals were ſtruck with the hammer, and that ſuch as are caſt ought to looked upon as ſpurious

ſpurious pieces, formed either upon the Antique or upon the Modern; it is nevertheleſs very certain, that there are ſome Medals of braſs which have been caſt, and yet are really Antiques. I do not propoſe to ſpeak here of thoſe pieces of an enormous ſize, which repreſent the Head of Rome, and which ſerved for weights among the Romans; nor yet of thoſe which are almoſt like them in weight, on which we ſee the heads of the Ptolomies Kings of Egypt, which were deſigned for the ſame uſe, and which could not have been made without the help of a mould; but only of the Medals which are to be met with in all Cabinets, and which have been caſt. Such are moſt of the Medals and Medallions of yellow copper of the ſame faſhion, which were made in the reigns of the Emperors; and ſome others which are Greek, either the make of Antioch or of ſome other Grecian Colonies, which are alſo caſt, but in a mould and of a make ſo viſibly antique, that it is utterly impoſſible to miſtake them. It is true indeed, that a raw unexperienced Virtuoſo will be apt to reject theſe Medals; but when a man hath once formed a ſure and diſcerning taſte with regard to the workmanſhip of the Ancients, he will treat them no more as ſuſpicious.

I do not know any of the Latin Medals but thoſe of the *Poſthumi* in great and middle braſs, among which we can find any that are caſt. Indeed moſt of the Medals of thoſe two Tyrants are viſibly ſo; but with ſuch an air and taſte of the Antique, as immediately ſatisfies and convinces a Virtuoſo that is a Connoiſſeur. There was not however at that time

any

any want of able and ingenious engravers in Gaul; as appears evidently from a good part of the braſs Medals of the reigns of the Poſthumi, and particularly thoſe of Poſthumus the father, which are of a taſte, a neatneſs, and a delicacy worthy of the fineſt reigns of the Empire. A Virtuoſo muſt not reject without diſtinction all the caſt Medals, particularly thoſe which I have here mentioned; for with regard to the reſt, they ought certainly to be looked upon as very ſuſpicious.

The rareſt pieces that we have in point of Antique Medals, are thoſe which we call Medallions; which were not the current money of the Empire, as all other kinds of Medals were. Theſe Medallions were ſtruck to ſerve as public memorials of tranſactions and events, and were either diſtributed and thrown among the people at Plays, Triumphs, and the like ceremonies, or given to foreign Embaſſadors and Princes. The Romans ſtiled theſe pieces *Miſſilia*, and the Italians call them *Medaglioni*, a name which we have borrowed from them to expreſs and ſignify Medals of the largeſt ſize.

There are, as I have obſerved already, an infinite number of Medallions that are ſpurious, whether they be of modern coining, or only caſt. Beſides the rules which I have laid down above for the ſurer diſcovery of them, we may be careful to mind whether they are not compoſed of different coppers, and in this caſe they are Antiques. The make of theſe pieces lies in their being compoſed of different coppers, which are not incorporated together, but one of them only inchaſes the other, and which are ſtruck with the ſame Die. We

may

may obſerve in them, that the characters or letters of the legend eat ſometimes into both the metals, and at other times they are only upon the inner, to which the firſt circle of metal ſerves only for a border. Theſe pieces are certainly Antique, and not to be ſuſpected in the leaſt; ſo that I ſhall not attempt to ſay more upon their ſubject: the only misfortune is, that we meet with very few of them.

ARTICLE IX.

Of Medals that are merely invented, and of ſuch as have been very ſeldom counterfeited.

I ſhall here only in ſome meaſure point out the Medals which have been invented as the fancies of workmen ſuggeſted to them, in order to impoſe on unexperienced Virtuoſos, who are delighted to purchaſe Medals of a ſingular kind, though ſuch as never appeared in Antiquity. Such are the Greek Medals of Priamus, Paris and Helena, of Æneas, Hercules, and ſeveral other Kings, Generals or Philoſophers, that in their times filled the Univerſe with their renown, but whoſe memory there was never any care taken to tranſmit by the help of Medals to poſterity. There are likewiſe ſome Latin ones of Annibal, Scipio, Cicero, and other the like heroes of the Republics of Carthage and Rome, which are of the ſame claſs.

All theſe pieces, which it is very well known never exiſted among the Ancients, carry likewiſe with them ſuch viſible marks of ſpuriouſneſs, having been moſt of them caſt, that

that it would be an unpardonable blunder not to know them; and it is entirely needleſs for me to enlarge further on their account, becauſe a Virtuoſo that enters the liſts of the Medallic Science, is immediately made acquainted with the ſpuriouſneſs of all theſe Heads.

The Conſulary Medals, ſeries of which are generally only formed in ſilver, becauſe there are few of them to be met with in braſs, and ſtill fewer in gold, never were counterfeited ſo frequently as thoſe of the Grecian Kings and the Roman Emperors. As there appeared much leſs eagerneſs in the queſt of theſe kind of Medals, whereof there are but few fine ſeries, the falſe coiners did not take ſo much pains to counterfeit them, as they did with regard to the others. To this reaſon may be added another, that there are very few of them found ſo perfectly well preſerved as to be fit to form a fine mould, except ſuch as were renewed by order of the Emperor Trajan, and a very few others. All theſe Medals are hardly worth more than their weight, which did not give encouragement enough to falſe coiners to counterfeit and imitate them. I do not think that there are any of them of modern coining; but I ſhall not offer to maintain that one may not meet with ſome that are caſt; however, a Virtuoſo that gives into the taſte of the Conſulary Medals runs much leſs hazard of being deceived, than he does in the other collections.

The Medals which were coined in the Roman Colonies are undeniably the moſt curious monuments that are left us of the ruins of the

Roman

Roman Empire. They have likewiſe been leſs ſubject to be counterfeited than the Conſulary Medals, by reaſon of the clumſineſs and coarſeneſs of their work, which it would be in a manner impoſſible to imitate. We find very few of them that are fine, and a man has great luck, when in thoſe which he purchaſes of this kind, he finds the figures on them tolerably preſerved, and the legends in a condition to be read. This is the moſt learned kind of Medals that we have; but the moſt uncouth and diſagreeable with regard to the workmanſhip or beauty of the pieces, which conſequently are the leaſt eaſy of any to be counterfeited, becauſe an ingenious workman will never be capable of imitating any thing but what is very fine. We may then conſider all the Medals of Colonies as genuine and really Antiques; and I do not remember that I ever ſaw any of them that are ſpurious. If we do in fact meet with ſome Greek ones, ſuch as thoſe of the Colony of Antioch, of Samoſata, or others of that kind, which ſeem to have been caſt, they are not leſs Antiques on that account, as I have obſerved in the foregoing Article.

The Medals or Coins called *Quinarii*, which is the ſmalleſt kind that we have, have been counterfeited as much as the reſt of the Imperial Medals. There are found abundance of them that are caſt, as well in gold as in ſilver: it is neceſſary even to examine them with more rigor and exactneſs than the ordinary Medals, becauſe they are ſtill rarer. There are but few of theſe Medals to be ſeen in the various

Cabi-

Cabinets which have been formed: M. Vaillant had collected a ſeries of them for the Duke of Maine, which is now mixed with others in the Cabinet of *Abbé de Rothelin*, who hath formed a collection of them that is the only one in its kind.

Among the ſilver Medals of the Conſulary Families, there are found ſome pieces that have their borders or edges notched and indented. We meet likewiſe with ſome of this ſort among the heads of the firſt Roman Emperors, as of Julius Cæſar, Mark Anthony, and Auguſtus. Theſe Medals were, at the time of their being ſtruck, adjuſted in this manner by the Directors and workmen of the Roman Mints, to ſhew that they were true and lawful money, and not liable to be plated. Theſe Medals are certainly Antiques, and never were counterfeited.

The Medals that are ſtiled *Conturniati*, from the Italian word which expreſſeth the manner in which they were ſtruck, are of two ſorts. There are ſome of them Greek ones, which are generally and with reaſon believed to have been coined in Greece, in honour of the great men they repreſent; and there are others that were ſtruck for ſome Roman Emperors; and it is theſe laſt that are moſt eaſily met with, and uſually ranged in the ſeries of great braſs. Antiquaries are much divided in their opinions as to the time when theſe Medals were coined. Some maintain that they were revived by the Emperor Gallienus, when he revived all the Conſecrations of his predeceſſors: others, and I believe with better reaſons on their ſide, put

off

off the time of their being ſtruck till the reign of Valentinian. However it be in that point, theſe Medals, which are of the moſt ſingular fabrick, and the leaſt capable of being imitated, have not, as far as I have been able to obſerve, ever been imitated: only I have ſeen ſome of them, the figures whereof had been effaced by time, and which had been retouched or wrought over again with the burin; as is eaſy enough to be diſcovered by the very marks of the burin, which are ſtill freſh and plainly to be obſerved. All theſe Medals are of little worth, and they are ranked among the great braſs, purely becauſe one finds a pleaſure in getting together every thing that belongs in any reſpect to a collection of Medals.

The laſt kind of Antique Medals, ſome of which have been preſerved to our times, are Medals of lead. Falſe coiners have in theſe latter ages of the world, made counterfeit ones of this kind: but they are hardly worth the pains of being looked, and ought rather to be thrown away with contempt. The Antiques that we have left of them are very few in number; but I have ſeen ſome of thoſe of Antoninus and another Emperor. They are eaſy to be known by the lead, which is whitiſh and of a dirty colour; as well as by their make, which it is much more difficult to imitate in lead than in any other metal.

ARTI-

ARTICLE X.

Among the Medals that compoſe all the Cabinets of Virtuoſos, there are ſeveral pieces which are found ro be Antiques in one ſort of metal, or in one ſize, and yet none of the like are to be found in other ſeries of different metals and ſizes. It muſt not however be from hence imagined, that becauſe we have not as yet diſcovered them, we ſhall never find any Antiques of thoſe ſorts; reaſon and experience joining to prove the contrary. There is no manner of doubt to be made, but that when they ſtruck Medals for an Emperor, or for ſome perſon of his family, they ſtruck ſome in all the three metals, of gold, ſilver, and braſs, and likewiſe of different ſizes; though even to this time there are ſome ſeries, in which ſeveral Heads are wanting. We have no Otho ſtruck at Rome by the conſent and authority of the Senate, becauſe the Senate did not declare in favour of this Prince. That illuſtrious Body, before they acknowledged him for their Sovereign, and in conſequence thereof cauſed braſs money to be coined in his name, thought it proper to wait and ſee the concluſion of the Civil War which was raiſed between him and Vitellius his Competitor for the Empire. But this reaſon, which holds as to braſs Medals with regard to Otho and Peſcennius Niger, cannot take place in reſpect of other reigns, ſince (as I have obſerved before) they did not coin only for one

ſort

ſort of Medals; and when we have diſcovered any of one ſort, we may reaſonably expect to find in time thoſe of another which have been wanting hitherto.

The earth hath not yet given up all the treaſures it holds of Medals, which the ruins of ſo many ages have depoſited within her bowels. Twenty years ago the *Annia Fauſtina* of ſilver, which was luckily found by M. *Lainé*, and hath ſince paſſed into Abbé Rothelin's Cabinet, was not ſo much as known; and though two centuries had paſſed ſince the curious world had begun to form Cabinets of Medals, it had all that while eſcaped the ſearches of Antiquaries. The *Orbiana* of gold is hardly known as yet, and M. Vaillant hath aſſerted that there was no ſuch thing: yet ſome time ago a fair one well preſerved was diſcovered, and is now in the King of France's Cabinet. Lucky diſcoveries of this kind are made pretty frequently: and there are few Virtuoſos zealous and diligent in their ſearches, but meet in time with pieces that are ſingular, and even ſuch as are the only ones in their kind. I had myſelf two years ago in Normandy, the good fortune to find a noble Medallion in braſs of the Emperor Adrian, upon the reverſe of which is COS. III. with the ſhe-wolf and the two children. This piece had been ever before unknown.

I found likewiſe a little while ago a Medal ſtill more ſingular: it is an Alexander Severus of great braſs, with a reverſe, the legend whereof is POTESTAS PERPETUA, with the figure of Security in a ſitting poſture. The Medal is not at all to be queſtioned: and though we

have not yet ſeen this very title inſcribed to any Roman Emperor, we ought not however to be ſurprized to ſee it given to this Prince, ſince we find on the reverſe of his Medals in ſilver, PERPETUITATI AUG. an inſcription never found on any Medals but thoſe of this Prince. Abbé de Rothelin hath found likewiſe two ſilver Medals of the ſame Emperor, with the Legend PIETAS MILITUM: It is the figure of a woman holding generally one or two military enſigns.

Theſe Medals, as alſo a good number of others, which I might quote, as well with regard to the Heads as the Reverſes, will not in all probability long remain the only ones of their kind; and it was not the cuſtom to coin ſo inconſiderable a number thereof, as to make us deſpair of ever ſeeing them multiplied. Their degree of rarity indeed will ſubſiſt till new diſcoveries are made of others: and thus, though we have not ſeen a Peſcennius, the Gordians of Africa, a Maximus, or a Paulina, *&c.* in gold, it is not impoſſible but we may diſcover ſome hereafter; ſince when they were ſtriking Medals in ſilver and braſs, it is natural enough to think, that they might at the ſame time coin ſome in gold; and ſo likewiſe as to others.

After the account I have here given of the prodigious number of falſe Medals of all kinds that are ſcattered up and down in almoſt all the Cabinets of Europe, it will ſcarce be believed that any of them ſhould be exempt from ſo general a contagion. There are however ſome large Cabinets which have been formed by able Connoiſſeurs, that are

compoſed

compoſed only of genuine Medals, which Hiſtorians and other learned men may ſafely make the ſubject of their diſquiſitions. Such is the King of France's Cabinet; ſuch too is that of Abbé de Rothelin; it is at this Nobleman's we meet with one of the fineſt ſanctuaries of Medals, at the ſame time with the man in the world the moſt capable of explaining them, and of laying open all the myſteries of the Medallic Science.

The E N D.

BOOKS printed for J. *and* P. KNAPTON, *in* Ludgate-Street.

MR. *Rollin*'s Ancient Hiſtory of the *Egyptians, Carthaginians, Aſſyrians, Babylonians, Medes* and *Perſians, Macedonians* and *Grecians*. Tranſlated from the *French*. In Ten Volumes in 12*mo*. With Frontiſpieces beautifully engraven, a Chronological Table, and copious Index.

Mr. *Rollin*'s Hiſtory of the Arts and Sciences of the Ancients: Illuſtrated with 50 Copper-Plates. In 4 Vols. 8*vo*.

The *Roman* Hiſtory from the Foundation of *Rome* to the End of the Commonwealth. By Mr. *Rollin*.

The Manners and Cuſtoms of the *Romans*. I. Of their Manners in Private Life, their Habits, Ornaments, Buildings, Chariots, Feaſts, &c. II. Of their different Kinds of Government and Magiſtrates. III. Of the Revenues and Forces of the State: and of War. IV. Of their Religion, Shews and Cuſtoms obſerved in them. Tranſlated from the *French*, 8*vo*. Price 5*s*.

Quintiliani Inſtitutionum Oratoriarum Libri XII. ad Uſum Scholarum accommodati, reciſis quæ minus neceſſaria viſa ſunt, & brevibus Notis illuſtrati; à *Carolo Rollin*. 8*vo*.

Selecta Poemata Italorum qui Latine ſcripſerunt. Cura cujuſdam Anonymi Anno 1684 congeſta, iterum in lucem data, una cum aliorum Italorum Operibus: Accurante *A. Pope*. 2 Vol. Pret. 6*s*.

The Works of *Samuel Clarke*, D. D. late Rector of St. *James*'s *Weſtminſter*. With a Preface giving ſome Account of the Life, Writings, and Character of the Author: By *Benjamin*, Lord Biſhop of *Wincheſter*. In Four Volumes in *Folio*.

A ſmall Number is printed on Large Paper.

The Sermons of Dr. *Samuel Clarke*, in Two Volumes *Folio*, being the firſt and ſecond Volumes of his Works, containing all the Sermons publiſhed in his Life-time, and his poſthumous Sermons. Price 2 *l*. 10*s*.

The Military Hiſtory of *Charles* XII. King of *Sweden*. Written by expreſs Order of his Majeſty by M. *Guſtavus Adlerfeld*, Chamberlain to the King. To which is added, an exact Account of the Battle of *Pultowa*, with a Journal of the King's Retreat to *Bender*. Illuſtrated with the Plans of Sieges and Battles. In 3 Vol. 8*vo*.

University of California
SOUTHERN REGIONAL LIBRARY FACILITY
Return this material to the library
from which it was borrowed.

SRLF
QL
JAN 17 1989
DEC 17 1988

UC SOUTHERN REGIONAL LIBRARY FACILITY
A 000 018 390 5

Un